

JOURNAL
OF
THE SENATE

OF THE
STATE OF ALABAMA
SPECIAL SESSION OF 1936

HELD IN THE CITY OF MONTGOMERY, COMMENCING TUES-
DAY, FEBRUARY 11, 1936



WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

Birmingham Printing Company
State Printers and Binders
Birmingham, Ala.
1936

JOURNAL
OF
THE SENATE
OF THE
STATE OF ALABAMA
SPECIAL SESSION OF 1936

FIRST DAY

Tuesday, February 11th, 1936

BE IT REMEMBERED, that on the 8th day of February, A. D., 1936, Bibb Graves, Governor of the State of Alabama, issued his proclamation in the words and figures following, to-wit:

A PROCLAMATION BY THE GOVERNOR

WHEREAS, in the opinion of the Governor of the State of Alabama, an extraordinary occasion exists which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Section 122 of the Constitution of Alabama of 1901;

NOW, THEREFORE, I, Bibb Graves, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the seat of Government in Montgomery, Alabama, at 10:00 A. M. on Tuesday the 11th day of February 1936, and I do hereby designate the following subjects and matters to be considered and acted upon by said Legislature in extraordinary session assembled:

1st. To provide sufficient revenue for the running of the schools and to enable the State, County and City Governments to function adequately.

2nd. To provide for the reduction in the price of private automobile licenses.

3rd. To consider such amendments to the Alabama Social Security and Labor Laws as are necessary to permit the various Social Security and Labor Departments of Alabama to function in accordance with the Federal Security and Labor program.

4th. To authorize and empower the Highway Commission, with the approval of the Governor, to make rules and regulations concerning the operation of trucks on the public roads of Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the same to be attested by the Secretary of State and the Great Seal of the State affixed at the Capitol, this the 8th day of February 1936.

(Seal)

BIBB GRAVES, Governor.

Attest:

Howell Turner, Secretary of State.

Pursuant to such proclamation, at the hour of 10 o'clock A. M., on Tuesday, February 11th., 1936, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by Honorable Thomas E. Knight, Jr., Lieutenant-Governor and President of the Senate. J. E. Speight, Secretary, was present and acted as such, according to law.

PRAYER

The session was opened with prayer by Senator Chesnut, of Cherokee County.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Fletcher
Glover

Goldsmith
Kelly
Kuykendall
Locke
Mixon
Mooneyham
McDowell
Parrish

Riddle
Rogers (Mobile)
Russell
St. John
Simpson
Starnes
Stephens
Swift

Taylor
Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—32

OATH OF OFFICE

Honorable W. H. Stoddord, elected to the Senate from the Twenty-Fifth Senatorial District, composed of the Counties of Coffee, Crenshaw and Pike, to fill the vacancy caused by the death of Senator Thomas J. Thrower, presented his credentials from the Secretary of State certifying to his election as follows:

THE STATE OF ALABAMA
DEPARTMENT OF STATE
CERTIFICATE OF ELECTION

I, Howell Turner, Secretary of State,, in accordance with the provisions of Section 516 of the Code of Alabama, do hereby certify that as shown by the returns of Election on file in this office, W. H. Stoddard was elected State Senator from 25th Senatorial District at the Special Election held in this State on Tuesday, the 10th day of September, 1935.

Witness my hand this 16th day of September 19, 1935.

Howell Turner,
Secretary of State.

Thereupon, the President and Presiding Officer of the Senate administered to Mr. Stoddard the oath of office as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability.

W. H. Stoddard.

RESOLUTIONS

Mr. Bonner offered the following Senate resolution:

S. R. 1. Resolved by the Senate that all elective officers and employees of the Senate as constituted during the Regular Session of 1935 be and the same are hereby elected as the officers and employees to serve during this Extraordinary Session of the Legislature of 1936, provided, however, should there be a vacancy of pages and messengers the Lieutenant Governor is authorized to fill such vacancy by appointment.

Be it further resolved that the Committees of this Extraordinary Session of the Senate shall be the same as those of the 1935 Regular Session of the Senate, the appointments to said committees to be made by the Lieutenant Governor.

Mr. Swift offered the following amendment to said resolution to-wit:

For this special session of the Legislature, the following employees of the Senate are dispensed with:

- A. Reading Clerk.
- B. Assistant Door-keeper.
- C. Doorkeeper for the Gallery.

On motion of Mr. Bonner, said amendment was laid on the table.

Yeas, 16; Nays, 15.

Yeas:

Messrs.:

Bonner	Fletcher	Parrish	Stoddard
Carlton	Glover	Riddle	Walton
Chesnut	Kuykendall	Russell	Weaver
Cook	Mooneyham	St. John	Woodall

—16

Nays:

Messrs.:

Browder	Mixon	Stephens	Tucker
Dorsey	McDowell	Swift	Walden
Kelly	Rogers (Mobile)	Taylor	Wellborn
Locke	Simpson	Thomas	

—15

Mr. Swift also offered the following amendment to said resolution to-wit:

For this special session of the Legislature the following position is dispensed with:

1. Reading Clerk.

Which was adopted.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Fletcher	Parrish	Swift	Woodall
Glover	Riddle	Taylor	

—31

Nays:

— 0

And said resolution, as thus amended, was then adopted.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Fletcher	Parrish	Swift	Woodall
Glover	Riddle	Taylor	

—31

Nays:

— 0

Thereupon, such officers and employees to-wit:

President Pro Tem, Secretary, Assistant Secretary, Doorkeeper, Assistant Doorkeeper, Doorkeeper of the Senate Gallery, Enrolling-

Engrossing Clerk came forward and the President of the Senate administered to them the oath of office as follows to-wit:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me, God."

Mr. Bonner also offered the following Senate resolution:

S. R. 2. Be It Resolved By The Senate of Alabama: That the printed rules adopted by the Senate at the last regular session of the Legislature as last amended, be and the same are hereby, adopted for the government of the Senate at this special session, until new rules are adopted.

Which was adopted.

Mr. Bonner also offered the following Senate resolution:

S. R. 3. BE IT RESOLVED BY THE SENATE: That the Secretary be and he is authorized and directed to notify the House that the Senate has organized by re-electing and continuing in office all the elective officers and employees who were elected at the last session of the Legislature.

Which was adopted.

APPOINTMENT OF RULES COMMITTEE

The Lieutenant Governor and President of the Senate announced the appointment of the Standing Committee on Rules for this Special Session of the Legislature, to-wit:

Mr. Riddle, Chairman and Messrs. Fletcher, Bonner, Woodall, Simpson, Mooneyham and Tucker.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Harrison:

H. J. R. 2. RESOLVED by the House of Representatives, the Senate concurring, that a Committee of six, consisting of three members on the part of the Senate to be appointed by the Presiding Officer of the Senate, and three members on the part of the House, to be appointed by the Speaker of the House, to wait upon the Governor of Alabama and inform him of the organization of the Legislature of Alabama and its readiness to transact public business, and to request that he deliver any communication he may have for the Legislature.

Committee on part of the House: Messrs. Harrison, Denson and Sparks (Barbour).

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, the Senate concurred in and adopted H. J. R. 2, set out in the foregoing message from the House, and the President of the Senate appointed as a Committee on part of the Senate Messrs. Fletcher, Taylor and Walton.

MESSAGE FROM THE HOUSE

Mr. President:

The House of Representatives has perfected its permanent organization for the special session of 1936 by the election of the following subordinate officials:

J. H. Weir, Montgomery, Assistant Clerk.

J. A. Dickinson, Enrolling-Engrossing Clerk.

H. A. Thompson, Doorkeeper.

N. E. Stewart, Assistant Doorkeeper.

And is now ready for the transaction of public business.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Harrison:

H. J. R. 4.—Resolved by the House of Representatives, the Senate concurring, that there be a joint session of the House and Senate at twelve o'clock, Tuesday, February 11, 1936, in the hall of the House of Representatives, and that the Governor be invited to address the Joint Session at that hour.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, the Senate concurred in and adopted H. J. R. 4, set out in the foregoing Message from the House.

JOINT SESSION

The hour of twelve o'clock having arrived, pursuant to joint resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of the joint session to hear the message of His Excellency, the Governor.

The Lieutenant Governor and President of the Senate presided on part of the Senate, and Speaker Walker on part of the House.

Upon a call of the roll of the Senate, the following members answered to their names to-wit:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Glover	Riddle	Swift	Woodall
Goldsmith			

—33

The clerk of the House then proceeded to call the roll of the House, when the following members answered to their names:

Messrs.:

Mr. Speaker	Dominick	Long	Robertson (Cullman)
Adams	Doster	Lusk	Robinson (Lowndes)
Almon	Douglass	Matthews	Segrest
Arnold	Glover	Miller	Shaver
Austin	Goodwyn	Miles	Shipman
Bateman	Goolsby	Moore	Sightler
Blann	Haley	McDermott	Sparks (Barbour)
Braswell	Hall	McGowin	Sparks (Walker)
Bridges	Hamner	McPhaul	Spence
Britton	Hanks	Norman (Bullock)	Staples
Buffington	Hare	Norman (Lowndes)	Steele
Burleson	Harrison	Owen (Etowah)	Street
Byars	Heflin	Owens (Madison)	Taylor
Calhoun	Hendley	Parish (Henry)	Terry
Carter	Henson	Parish (Pike)	Tidmore
Castleberry	Hill	Parker	Todd
Chichester	Hodges	Petrey	Tolbert
Coleman	Hollis	Poole	Tompkins
Connor	Johnston	Posey (Walker)	Toomer
Cook	Jones	Propst	Waldrep
Cox	Kelly	Quarles	Wallace
Davis	Kirby	Reeder	Welch
Delony	Langdon	Reid	Whigham
Denson	Livingston	Reynolds	Williams
De Vane			

—96

Threupon, the Governor was presented and delivered his message in words and figures as follows to-wit:

Gentlemen of the Legislature:

We are here because God put it into the hearts of our people to have faith in us. That faith has put the fate of this people and the fate of Alabama in our hands.

Let us devoutly ask that He keep us worthy of that faith and that He enable us to rightly safeguard the fate of this people and that our every action be with head and heart single to their service.

In the proclamation that convenes you in Special Session it is declared that in the opinion of the Governor an extraordinary occasion exists in our State. It is your due and my privilege to outline the reasons for that opinion.

I believe that we face an early collapse of our school and health programs unless effective financial relief is promptly provided. To provide this relief is the great purpose of this session.

On yesterday I received from the State Comptroller the following report:

February 10, 1936.

Honorable Bibb Graves,
Governor of Alabama,
The Capitol.

Dear Sir:

I hand you herewith a statement of the General Fund for the fiscal year ending September 30, 1936, to-wit:

1. Appropriations:

Essential functions of Government as defined
by the Supreme Court of Alabama, in the
case of Abramson vs. J. H. Hard, Comptroller,
Vol. 155 Southern, page 590..... \$6,035,384.72

2. Non-essential functions of Government as
defined by the Supreme Court of Alabama in
the above mentioned case, Public Schools.... 3,660,516.00

3. Other Educational Appropriations, such as
University of Alabama, Alabama Polytechnic
Institute, Montevallo, Normal Schools, Alabama
School of Trades, etc..... 2,231,221.61

Total Educational Appropriations..... \$5,891,737.61

4. Miscellaneous non-essentials as defined by
Supreme Court of Alabama in case mentioned
above, such as County Health Units,
etc., 541,650.00 \$12,468,772.33

5. Revenue:

Cash balance October 1, 1935..... 755,366.97

Estimated revenue for General Fund for fiscal year 1935-36.....	6,980,449.80	<u>7,735,816.77</u>
Excess General Fund Appropriations over General Fund Revenue.....		4,732,955.56
Total cash balance October 1, 1935.....		755,366.97
Estimated Revenue for General Fund fiscal year 1935-1936, paragraph "5"		<u>6,980,449.80</u>
Total available cash.....		7,735,816.77
Amount appropriations essential functions of Government as defined by Supreme Court, paragraph "1"		<u>6,035,384.72</u>
Amount to be prorated, non-essential functions).....		1,700,432.05
Amount appropriated to non-essential functions, paragraph 2, 3, & 4.....		6,433,357.61
Percentage to be received by non-essential functions.....		26.43%
Amount appropriated to Public Schools, Par. "2".....		3,660,516.00
Amount appropriated to Higher Education, Par. "3".....		<u>2,231,221.61</u>
Total appropriated to Education.....	\$	5,891,737.61
Amount Public Schools to receive from General Fund (26.43%)		<u>967,562.10</u>
Amount Higher Institutions to receive from General Fund (26.43%)		589,711.86
Total amount Education to receive (26.43% of appropriation)		1,557,273.96
Amount Public School Appropriations reduced.....		2,692,953.90
Amount Higher Education Appropriations reduced.....		<u>1,641,509.75</u>
Total amount Educational Appropriation reduced.....		4,334,463.65

Under the provisions of the Budget Act the disbursements cannot exceed the total estimated Revenue. The excess appropriations over General Fund Revenue is \$4,732,955.56. If this amount is raised by additional revenue the General Fund would have no cash balance on October 1, 1936. The General Fund should have a cash balance of \$750,000.00 on hand at the close of each fiscal year. To enable this to be done it will be necessary to raise \$4,334,463.65 for Education and \$1,153,858.88 for the other non-essentials and to have a cash balance equal to the cash balance of October 1, 1935, making a total of \$5,488,322.53.

Yours very truly,
CHAS. W. LEE,
State Comptroller.

Surely none of us can question the necessity for the amounts fixed in the General Appropriation Bill for Education or in the Educational Appropriation Bill.

The long thorough study given these bills enabled each one of us to know and understand every item in each of them. The final vote on the General Appropriation Bill was: in the Senate 25 ayes, Nos. None. In the House 80 Ayes, Nos. None. Every vote you cast was for it and I approved it.

The final vote on the Educational Appropriation Bill was: in the Senate Ayes 30, Nos. None. In the House Ayes 95, Nos. None. Every vote you cast was for it and I approved it.

I have never known such unity on such important measures in any other instance.

I concede to each of you the same earnestness and sincerity in these deliberate actions that I assert for myself, and I do assert for myself, that I do not need any surveys or hearings to convince me that I knew what I was doing when I did it or that I meant to do what I did when I did it.

We definitely determined that the minimum necessities of education that must be paid out of the General Fund was \$3,660,516.00 for the common schools and \$2,231,221.61 for other education, and we find that education will be short this year \$2,692,953.90 for the common schools and other education will be short \$1,641,509.75. These schools can't run the balance of this year without the payment of the balance of these appropriations and I pray God that you and I will not let them stop and thereby let an annual crop of Alabama children go to waste.

When these appropriations were enacted we all knew that the money to pay them was not then provided for. When I came before you in August I asked these appropriations, stating that they would require much more money than was in sight—just how much more we did not then know and could not know definitely until ad valorem assessments were known and until the effect of the new Revenue Bill was known, that when these were known I would call you together.

Now, I report these two important items:

1st. For the year ending January 19th, last, the State Ad Valorem income decreased as compared with the previous year \$340,976.23, and there is considerable decline in assessments to be paid on next year, but I believe these will be off-set by putting tax-sold property back on the books under the law you passed at the Regular Session. This ad valorem reduction is much greater and more harmful to the cities and counties than to the State.

2nd. The results obtained by the State Tax Commission are better than my expectations.

During its first year the Commission deposited in the Treasury more than two and one-half million dollars in excess of the amount so deposited during the preceding year, and thus far in this second year is still increasing over its own record of last year. This has cost money. Their annual salaries have increased nearly \$120,000.00 but the increased returns are more than twenty times the increased costs and much of their work that has already been completely paid for will bring results through years to come. For instance. You passed a law to put tax-sold property back on the tax books and no extra appropriation was made therefor. A letter received yesterday by the Tax Commission from the Tax Assessor of Jefferson County says in part:

"Your office has, together with the Probate Judge's office, collected up to and including the month of January approximately \$300,000.00. Of course, a great deal of these payments were paid on the four-year plan and will be coming in for three more years".

He adds that the tax valuations being placed on the books is approximately sixteen million dollars and says that in no instance has any of it been settled at any cut in amounts due, which is the rule throughout the State.

Of course, such sums as these are not counted in the net results of the Tax Commission for the funds do not come through its hands.

The Administration is being run with the utmost efficiency and economy.

The Highway Department has some two thousand employees in its three-way program, paying them about \$19.00 per month. This, of course, shows a great increase in the number of employees and pay rolls but it isn't costing the tax-payers anything. We are getting more by cooperating with the Government in this way than we could get in any other way and are carrying out our contract for matching Federal appropriations, but despite the details the aggregate costs of the large program that the Highway Department is putting over shows for the last year, salaries and wages 10.53% of the total amount of the program as against 11.98% for the preceding year.

The Convict Department, with all the overhead and management, and Board of Administration shows an increase of 81c a head a year for the number of convicts. You will recall that you abolished the Prison Inspector and I placed the duties and the expenses in the Convict Department and that I have created a Parole Board whose expenses are all paid by this Department.

The Comptroller's Office has been greatly enlarged. To the officials that it has checked, it has charged as due some \$650,000.00 of which \$249,000.00 has been collected and over \$400,000.00 placed in the hands of the Attorney General for collection. This entails

great additional work upon the Attorney General as well as upon the Comptroller's Office.

Something has been said to the effect that this administration began with some \$4,800,000.00, and having collected more than two and one-half million dollars more in the Tax Department and that the people should know what has gone with the money.

The figures \$4,800,000.00 are an injustice to my predecessor. Counting all the money in the Treasury and the State's fiscal agents, the State had \$5,237,677.72 on the 14th day of January last year. On the same day this year the State had net cash deposited in the Treasury and in its fiscal agents \$5,990,902.56, or more than three-fourths million dollars more cash at the end of the year than at the beginning.

Some of the places the money has gone: we paid \$500,000.00 extra for common schools in an appropriation you made at your last session; \$175,000.00 for free text books, and we paid the expenses of a Regular Session of the Legislature. And right there let me say, despite all the criticism of \$2.00 a day, extra clerks, etc., take the whole and not a part of it.

The Legislature in 1935 cost \$287,000.00; in 1931, \$406,000.00; and in 1927 it cost \$436,000.00. So Radio Audience, take it from your Governor that knows, this Legislature is relatively the most economical legislature in many years and absolutely one of the most efficient.

But the great answer where the money went. Note them. Since the first day of last October, up and including yesterday, the Treasurer has paid in cash to the common schools in Alabama \$5,115,889.09. For the same period one year ago it paid \$3,196,083.03. Two years ago, \$2,660,946.87. Three years ago, \$1,596,108.12. That is where the great money has gone.

Health has received \$100,000.00 more in this last annual period than in the preceding period and none of this could have been done except for the most efficient and economic administration of all the departments of government.

Despite the fact that the State is doing millions more for common schools than it has in many years, their total revenues are far short of their necessities, primarily because they have depended upon advalorem taxes that are continuing to fall further and further behind and if we are to have the schools that we have pledged ourselves to have, the State MUST supply the major portion of the deficiencies.

In my call, you will note that I asked you to aid the counties and cities as well as the State to meet the necessities of the functioning governments.

I have given you the minimum requirements of the appropriations we have already made. You know we must do something

for the social program and I estimate it needs at least \$600,000.00 per year. On this you should convince yourself after due investigation.

Of course it is primarily your function, but the duty of us all is to provide functioning governments.

The following is all that the Graves platform of 1934 contained on the subject of taxation.

"Economy, not Taxation

The Income Tax is in our Constitution and laws by the will of the people. I will enforce it and oppose its repeal.

I will oppose the Sales Tax.

Experience and familiarity with our State's business on the one hand, and knowledge of the financial condition of our people on the other hand, are the efficient instruments whereby, when I am Governor, I will be able to balance the budget, pay the State's debts, run our schools, and operate an efficient Government by economy without further taxation.

Should conditions make this impossible, I still promise to "PAY THE DEBTS, RUN THE SCHOOLS AND PROVIDE AN EFFICIENT GOVERNMENT", and do so with the least possible burden on our people.

READ ALL OF IT. NOTE LAST PARAGRAPH."

I have never believed a general sales tax is fair. A man with a \$500.00 a year income will spend it all and the man with a \$10,000.00, will save part. The poor man you have taxed on all and the other only a part. This is neither humane nor just, but there is a fundamental difference in a luxury tax and a sales tax. If the prime necessities of life, such as bread, shoes and nails are exempt, then the bulk of the poor man's necessities is not taxed at all.

I believe that the luxury tax on everything that is not a necessity, is the principal source to which you should look. I believe that it would be wise, if in your judgment it is practicable, to go far enough to exempt homesteads from all taxes and all other advalorem of the $2\frac{1}{2}$ mills levied by the State. If these things are done, the cities and counties must be made able to function. This plan is submitted for your careful consideration. Should you exempt all properties from the $2\frac{1}{2}$ mills of State taxes, surely the franchise tax should be increased in order that foreign corporations do not escape their portion of just burden.

I further submit for your consideration a tax on natural gas and export power and amusements of all kinds.

I urge immediate action. Emergency measures, not necessarily permanent, but for relief of our temporary emergency. If a luxury tax is enacted, it should be for the term of the emergency, until about the 1st of December and then continue or not depending upon the result of referendum held at the general election in

November. Should you decide on the homestead exemption and the 2½ mill advalorem exemption suggested, this should also be included in the November referendum.

Sincerely thanking you for the whole hearted co-operation that has continued between the Executive and the Legislative Departments of our Government and I pledge that so far as in me lies, that this will continue to the end of our journey.

I Thank you.

The Senate reconvened at twelve forty-five P.M., Lieutenant Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Glover	Riddle	Swift	Woodall
Goldsmith			

—33

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Walton:

S. 1. To amend an Act approved July 10, 1935, and entitled, "An Act to provide for the general revenue of the State of Alabama."

Committee on Finance & Taxation.

By Mr. Walton:

S. 2. To amend Article XIII, Chapter I of an Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

Committee on Finance & Taxation.

By Mr. Walton:

S. 3. To amend Article XIII, Chapter I of an Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

Committee on Finance & Taxation.

By Mr. Walton:

S. 4. To amend an Act entitled an Act to amend Section 1255 of the Code of Alabama 1923, approved July 22, 1931.

Committee on Revision of Laws.

By Mr. Walton:

S. 5. In relation to and to regulate the placing, erection, or maintaining of advertising signs along or upon the public highways of the State of Alabama; and to provide a penalty for the violation of the provisions hereof.

Committee on Public Roads & Highways.

By Mr. Woodall:

S. 6. To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, undertaken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Commissioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient; to provide for the manner of issuance of said warrants, the rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that when the Legislature of Alabama again convenes in special or regular session, application will be made for the passage of a certain bill in substance as follows:

AN ACT

To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, undertaken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Commissioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient; to provide for the manner of issuance of said warrants, the rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the

length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

Be it enacted by the legislature of Alabama:

Sec. 1. That the County of Elmore in order to finance the building, maintenance, repair or improvements of public roads in said county, whether undertaken independently or in conjunction with state and national agencies, or in conjunction with either, said county through its court of county commissioners may issue interest bearing warrants in the manner hereinafter set out.

Sec. 2. Said county, through the Court of County Commissioners may issue interest bearing warrants, drawn on the county treasurer or depository payable, over a period of years not to exceed 5, said court to determine the amount payable each year, the interest not to exceed six per centum per annum, payable annually or semi-annually, as the court may determine. When said work is let out to a general contractor on any job, said warrants may be issued directly to him or may be issued directly to persons, firms or corporations furnishing labor, materials, machinery or supplies for such work, as claims therefor accrue, and where so issued directly, said warrants must be accepted at face or par value. Said court may provide, by proper minute entry, that said warrants shall be sold at auction to the highest bidder at the court house of the county, at the regular meeting place of the court after ten days notice of such sale shall have been given by publication by at least one insertion in some newspaper published in the county, or in the event there is no such paper published, then in some newspaper published in the City of Montgomery, Alabama. No warrant shall be sold for less than its face or par value. Warrants so issued or the proceeds derived from the sale thereof, may, in addition to the above purposes, be used for acquiring necessary rights of way by purchase or condemnation. The proceeds from said warrants when sold shall be used solely for the above purposes and no other.

Sec. 3. Said warrants shall be payable out of the funds available or derived or to be derived from the gasoline tax collected by the state and paid over to the county as provided by laws now in force or hereinafter enacted. The court, at its discretion, however, may provide that in the event said fund is not sufficient to pay any warrant when payable, it shall be payable out of the road and bridge fund of the county, and in the event said funds are insufficient for payment thereof, then such deficiency shall be payable from the general fund of the county, it being the intent hereof to enable the said court to charge the several funds with payment of said warrants in the order named.

Sec. 4. Said warrants, when issued shall be registered by the county treasurer in a book provided for that purpose, against the several funds out of which they are payable and shall be charges and preferred claims against said funds, and entitled to priority of payment in the order of their registration and when paid shall be cancelled, which said cancellation shall be shown on said registration.

Sec. 5. Each of said warrants shall be signed in the name of the county by the Probate Judge and each member of the governing body, but interest coupons, which may be attached thereto may be signed by the probate judge only or bear his fac-simile signature. The said warrants shall bear the seal of the said court.

Sec. 6. In no event shall the aggregate amount of said warrants, together with other indebtedness of the county, exceed the debt limit of the county as provided by the constitution.

Sec. 7. If any section or provision of this act shall be declared invalid by any court, such invalidity shall not affect any other valid section or provision and this act shall be liberally construed to effect the purpose of enabling Elmore County to finance road building, repair, improvement and maintenance.

Sec. 8. This act shall go into effect immediately upon its passage and approval.

The State of Alabama,
Elmore County.

Before me the undersigned authority personally appeared W. W. Bateman, who by me first being duly sworn deposes and says that he is the Publisher of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, an act to enable Elmore County to issue interest bearing warrants to be received from Gasoline Tax Fund was published in said newspaper for 4 consecutive weeks on to-wit: Jan. 2-9-16 and 23, 1936.

W. W. Bateman, Publisher,
The Wetumpka, Herald.

Sworn to and subscribed before me this the 10th day of February 1936.

R. L. Parker,
Notary Public.

By Mr. Woodall:

S. 7. To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants of certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made when the Legislature of Alabama convenes, whether in special or regular session, for the passage of a certain act in substance as follows:

AN ACT

To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants or certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

Be it enacted by the legislature of Alabama:

Sec. 1. The County of Elmore, in this state, through its court of county commissioners, may borrow money in anticipation of taxes for the year in which such loans are made and issue certificates of indebtedness or warrants covering such loans.

Sec. 2. Any money borrowed under authority of this act shall not be for a sum greater than one-half of the income from taxation of said county for the preceding year.

Sec. 3. All warrants issued under authority of this act shall be registered in the order in which they are issued, and said Court shall have set aside and apart out of the taxes of the current year a sufficient amount to repay said loan. Said warrants or certificates shall be paid in the order of their registration and entitled to priority of payment where said taxes have not been previously pledged according to law.

Sec. 4. Said warrants or certificates shall mature not later than February the first of the year following their issuance, and shall not be renewed. They shall bear interest at not exceeding six per centum per annum, and when paid shall be marked cancelled, which said cancellation shall be noted on the registration thereof and in the minutes of said court.

Sec. 5. Said warrants or certificates shall be executed in the name of the county and signed by the probate judge and each member of the said court and shall have fixed thereto the seal of the said court.

Sec. 6. This act shall go into effect immediately upon its passage and approval.

The State of Alabama,
Elmore County.

Before me the undersigned authority personally appeared W. W. Bateman, who by me first being duly sworn deposes and says that he is the Publisher of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice An Act to authorize Elmore County, through its Court of Commissioners, to borrow money in anticipation of taxes was published in said newspaper for 4 successive weeks on to-wit: Jan. 2, 9, 16, and 23, 1936.

W. W. Bateman, Publisher,
The Wetumpka Herald.

Sworn to and subscribed before me this the 10th day of Feb., 1936.

R. L. Parker,
Notary Public.

By Mr. Tucker:

S. 8. To provide for the submission to the qualified voters of the state at the next general election to be held on the first Tuesday after the first Monday in November, 1936, or at the first special election held before that date and not less than three months after the final adjournment of the present session of the Legislature, of an amendment to the Constitution of the State of Alabama declaring education an essential function of state government and prohibiting any discrimination against the schools and educational institutions in respect to the payment of appropriations duly authorized by law.

Committee on Finance & Taxation.

The above bill was read a first time at length as required by the Constitution.

By Mr. Simpson:

S. 9. To repeal an act of the Legislature of Alabama of 1935 approved January 30, 1935, and entitled "An Act to create a State Tax Commission of three members; to provide for their appointment, to define their duties and powers, and to fix their salaries."

Committee on Finance & Taxation.

By Mr. Simpson:

S. 10. To repeal an act of the Legislature of Alabama of 1935 approved January 24, 1935, and entitled "An Act to create a Highway Commission of three; to provide for their appointment, prescribe their duties, and fix their salaries".

Committee on Finance & Taxation.

By Mr. Simpson:

S. 11. To repeal an act of the Legislature of Alabama of 1935 approved January 26, 1935, and entitled "An Act to define who are members of the State Board of Administration; to provide for their appointment; to define their duties and to fix their salaries".

Committee on Finance & Taxation.

By Mr. Simpson:

S. 12. To repeal an act of the Legislature of Alabama of 1935 approved July 10, 1935, and entitled "An Act to provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923".

Committee on Finance & Taxation.

By Mr. Simpson:

S. 13. To repeal an act of the Legislature of Alabama of 1935 approved June 12, 1935, and entitled "An Act to provide for the payment of official expenses of members of the Legislature".

Committee on Finance & Taxation.

By Mr. Simpson:

S. 14. To further regulate the payment of salaries, wages and compensation by the State of Alabama out of public funds and to effect economics in the government of the State of Alabama and to create a Board of Review to aid and assist in the same purposes; to prescribe the powers and duties, and to designate the personnel thereof.

Committee on Finance & Taxation.

By Mr. Simpson:

S. 15. To amend Sections 8 and 11 of an act of the Legislature of Alabama of 1935, approved September 2, 1935, and entitled "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and

regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed."

Committee on Public Roads & Highways.

By Mr. Kelly & Mr. Swift:

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of intention to apply to the next Special Session of the Legislature of Alabama of a Local Law in substance as follows:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE. That from and after passage of this Act each of the several governing bodies of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, are severally authorized and empowered, by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county, as expense money for the conduct of his office.

SECTION TWO. That said sum of Twenty-five Dollars (\$25.00) per month, per county, when authorized by the governing bodies of said counties, or either of them, shall be paid monthly out of the County Treasury of said county, or counties, so authorizing such payments as herein provided, upon the warrant of the said Circuit Judge, such warrant to be paid as other expenses of the Courts are paid; the said sums, when so paid by each of said counties, shall be in lieu of all other expenses now allowed by law to be paid said Circuit Judge while in his own Circuit.

SECTION THREE. In the event the salary paid said Circuit Judge by the State of Alabama shall at any time be increased above that which said Circuit Judge is now receiving, the amount paid monthly by each of said counties under this Act shall be reduced proportionately to such increase in salary, it being the intention of this Act to provide that the total salary paid by the State and the expense money paid by the counties hereunder to said Circuit Judge shall at no time exceed the sum of Five Thousand Two Hundred (\$5,200.00) dollars per annum.

SECTION FOUR. This Act shall become effective upon its passage and approval, and all laws and parts of laws in conflict herewith are hereby repealed.

PROOF OF PUBLICATION

State of Alabama, Escambia County:

I, W. E. Brooks, publisher of The Brewton Standard, a weekly newspaper published at Brewton, in said county and state, hereby state under oath that the annexed printed clipping was taken from one of the original issues of said publication and that the words and figures embraced therein appeared in said newspaper for 4 consecutive weeks on the following dates, to-wit: Jan. 16th, 1936; Jan. 23rd, 1936; Jan. 30th, 1936; Feb. 6th, 1936.

W. E. BROOKS.

Sworn to and subscribed before me this 10th day of February, 1936

J. F. SMITH,

(Seal)

Circuit Clerk, Escambia County, Ala.

STATE OF ALABAMA }
BALDWIN COUNTY }

Personally appeared before me, a Notary Public, in and for said State and County, R. B. Vail, who, being by me first duly sworn, deposes and says that he is Publisher of The Baldwin Times, a newspaper published in Bay Minette, Alabama, in Baldwin County, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 16 day of January, 1936, and ending on the 6 day of February, 1936.

R. B. VAIL,

Publisher.

Sworn to and subscribed before me this the 10 day of February, 1936.

H. M. HALL,

(Seal)

Notary Public, Baldwin County, Ala.

NOTICE

Notice is hereby given of intention to apply to the next Special Session of the Legislature of Alabama of a Local Law in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One. That from and after the passage of this Act each of the several governing bodies of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, are severally authorized and empowered by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county, as expense money for the conduct of his office.

Section Two. That said sum of Twenty-five Dollars (\$25.00) per month, per county, when authorized by the governing bodies of said counties, or either of them, shall be paid monthly out of the County Treasury of said county, or counties, so authorizing such payment as herein provided, upon the warrant of the said Circuit Judge, such warrant to be paid as other expenses of the Courts are paid; the said sums, when so paid by each of said counties, shall be in lieu of all other expenses now allowed by law to be paid said Circuit Judge while in his own Circuit.

Section Three. In the event the salary paid said Circuit Judge by the State of Alabama shall at any time be increased above that which said Circuit Judge is now receiving, the amount paid monthly by each of said counties under this Act shall be reduced proportionately to such increase in salary, it being the intention of this Act to provide that the total salary paid by the State and the expense money paid by the counties hereunder to said Circuit Judge shall at no time exceed the sum of Five Thousand Two Hundred (\$5200.00) dollars per annum.

Section Four. This Act shall become effective upon its passage and approval, and all laws and parts of laws in conflict herewith are hereby repealed.

STATE OF ALABAMA }
CONECUH COUNTY }

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 16th day of Jan. 1936, and ending on the 6th day of Feb. 1936.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 7th day of February, 1936.

J. L. KELLY,
Notary Public.

(Seal)

NOTICE

Notice is hereby given of intention to apply to the next Special Session of the Legislature of Alabama of a Local Law in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One. That from and after the passage of this Act each of the several governing bodies of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, are severally authorized and empowered, by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county, as expense money for the conduct of his office.

Section Two. That said sum of Twenty-five Dollars (\$25.00) per month, per county, when authorized by the governing bodies of said counties, or either of them, shall be paid monthly out of the County Treasury of said county, or counties, so authorizing such payment as herein provided, upon the warrant of the said Circuit Judge, such warrant to be paid as other expenses of the Courts are paid; the said sums, when so paid by each of said counties, shall be in lieu of all other expenses now allowed by law to be paid said Circuit Judge while in his own Circuit.

Section Three. In the event the salary paid said circuit judge by the State of Alabama shall at any time be increased above that which said circuit judge is now receiving, the amount paid monthly by each of said counties under this Act shall be reduced proportionately to such increase in salary, it being the intention of this Act to provide that the total salary paid by the State and the expense money paid by the counties hereunder to said circuit judge shall at no time exceed the sum of Five Thousand Two Hundred Dollars (\$5200.00) per annum.

Section Four. This Act shall become effective upon its passage and approval, and all laws and parts of laws in conflict herewith are hereby repealed.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA,
MONROE COUNTY

Before me, Loxley L. Dees, a Notary Public in and for said County in said State personally appeared E. M. Salter, who is known to me, and who, being duly sworn, deposes and says:

That he is Business Manager of The Monroe Journal Company, publisher of The Monroe Journal, a newspaper published weekly at Monroeville, in Monroe County, Alabama, and that the following notice, to-wit:

NOTICE

Notice is hereby given of intention to apply to the next Special Session of the Legislature of Alabama of a Local Law in substance as follows:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE:

That from and after the passage of this Act each of the several governing bodies of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, are severally authorized and empowered, by resolution duly adopted and entered of record on the Minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said circuit the sum of Twenty-five Dollars (\$25.00) per month, per county, as expense money for the conduct of his office.

SECTION TWO.

That said sum of Twenty-five Dollars (\$25.00) per month, per county, when authorized by the governing bodies of said counties, or either of them, shall be paid monthly out of the County Treasury of said county, or counties, so authorizing such payment as herein provided, upon the warrant of the said Circuit Judge, such warrant to be paid as other expenses of the Courts are paid; the said sums, when so paid by each of said counties, shall be in lieu of all other expenses now allowed by law to be paid said Circuit Judge while in his own Circuit.

SECTION THREE:

In the event the salary paid said Circuit Judge by the State of Alabama shall at any time be increased above that which said Circuit Judge is now receiving, the amount paid monthly by each of said counties under this Act shall be reduced porportionately to such increase in salary it being the intention of this Act to provide that the total salary paid by the State and the expense money paid by the counties hereunder to said Circuit Judge shall at no time exceed the sum of Five Thousand Two Hundred Dollars (\$5,200.00) per annum.

SECTION FOUR:

This Act shall become effective upon its passage and approval, and all laws and parts of laws in conflict herewith are hereby repealed.

was published in said newspaper once a week for 4 successive weeks, said notice appearing in the following issues: Jan. 16, 1936 to Feb. 6, 1936, inclusive.

E. M. SALTER.

Sworn to and subscribed before me this 8 day of Feb. 1936.

LOXLEY L. DEES,

(Seal)

Notary Public, Monroe County, Ala.

By Mr. Carlton (by request):

S. 17. To dispense with proof of agency or employment in certain cases.

Committee on Judiciary.

By Mr. Russell:

S. 18. To further provide for and regulate the election of delegates to political party conventions.

Committee on Privileges and Elections.

By Mr. Russell:

S. 19. To further provide for and regulate the selection of candidates for public office by political parties.

Committee on Privileges and Elections.

By Mr. Rogers (Mobile):

S. 20. To provide a lien for laundering, cleaning, pressing, and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Committee on Revision of Laws.

By Mr. St. John:

S. 21. To propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to provide that it shall be unlawful for the Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller by such treasurer in writing that there is then in the hands of such treasurer money available and appropriated for the full payment of the same, and to provide that all appropriations now or hereafter made shall be either absolute or conditional, and to define absolute appropriations and conditional appropriations, and to provide which appropriations shall be absolute and which appropriations shall be conditional, and to provide that all unpaid conditional appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess, and to prohibit any discrimination in the payment of conditional appropriations.

Committee on Constitution and Constitutional

Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Woodall:

S. 22. To amend Section 6771 of the Code of Alabama of 1923, as amended by act approved July 31, 1931, (Acts 1931 page 805).

Committee on Revision of Laws.

RESOLUTIONS

The Rules Committee reported the following Joint Resolution.

S. J. R. 4. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again Friday morning, February 14th, 1936, at ten o'clock.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

RECESS

At 1:20 P. M., on motion of Mr. Walton, the Senate took a recess until 3:30 this afternoon.

FIRST DAY—AFTERNOON SESSION

Tuesday, February 11th, 1936.

The Senate re-assembled at 3:30 P. M., Lieutenant Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Goldsmith	McDowell	Taylor
Carlton	Kelly	Riddle	Thomas
Chesnut	Kuykendall	Russell	Walden
Cook	Locke	St. John	Weaver
Dorsey	Mixon	Starnes	Woodall
Glover	Mooneyham		

—22

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted S. J. R. 4, relative to adjournment of the two Houses until Friday morning, February 14, at 10 o'clock.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the first Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the first Legislative day approved by the Senate.

ADJOURNMENT

At 3:35 P. M., on motion of Mr. Riddle, and pursuant to joint resolution heretofore adopted, the Senate adjourned until Friday, February 14th, 1936, at ten A. M.

SECOND DAY

Friday, February 14th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Mr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Fletcher	Mooneyham	Stephens	Weaver
Frazer	McDowell	Stoddard	Wellborn
Glover	Riddle	Taylor	Woodall
Goldsmith	Rogers (Mobile)		

—30

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Carlton:

S. 23. To dispense with proof of agency or employment in certain cases.

Committee on Revision of Laws.

By Mr. Bonner:

S. 24. To further regulate the speed of motor driven vehicles on the highways of the State of Alabama.

Committee on Public Roads and Highways.

By Mr. Moneyham:

S. 25. To prescribe the fees and commissions to be allowed the Tax Collectors and Tax Assessors for assessing and collecting all special County or District taxes levied for school purposes in all Counties of this State having a population of not less than eighty thousand persons and not more than one hundred thousand persons, according to the last Federal census or any subsequent Federal census.

Committee on Local Legislation.

By Mr. Russell:

S. 26. To allow the placing of certain widows of Confederate soldiers and sailors on the pension rolls.

Committee on Finance & Taxation.

LEAVES OF ABSENCE

On motion of Mr. Taylor, leaves of absence were granted Messrs. Parrish, Dorsey and Swift for today.

APPOINTMENT OF STANDING COMMITTEES

Under Senate Resolution No. 1, heretofore adopted, the Lieutenant-Governor and President of the Senate announced the appointment of the following standing committee for this Special Session of the Senate, to-wit:

RULES: Riddle, Chairman; Fletcher, Bonner, Woodall, Simpson, Mooneyham, Tucker.

JUDICIARY: Simpson, Chairman; McDowell, Frazer, Rogers (Mobile), Kelly, Bonner, Mooneyham, Walton, Riddle, Starnes, Locke, Woodall, Russell, Goldsmith, Stoddard.

REVISION OF LAWS: Frazer, Chairman; Starnes, Rogers (Sumter), Riddle, Carlton, Locke, Walton, Glover, Simpson, Kelly, Mooneyham.

CONSTITUTION AND CONSTITUTIONAL REVISION AND AMENDMENTS: McDowell, Chairman; Rogers (Mobile), Locke, Cook, Starnes, Woodall, Riddle, Simpson, Carlton, Weaver, Dorsey, Swift.

FINANCE AND TAXATION: Fletcher, Chairman; Russell, Wellborn, Tucker, Taylor, Stephens, Simpson, Mooneyham, Browder, Bonner, Swift, Starnes, Walden, Dorsey, Kelly.

BANKING: Wellborn, Chairman; Dorsey, Fletcher, Cook, McDowell, Carlton, Chesnut, Russell, Woodall.

INSURANCE: Tucker, Chairman; Simpson, Parrish, Rogers (Sumter), Mixon, St. John, Taylor.

PENITENTIARY AND PENITENTIARY PUNISHMENTS: Taylor, Chairman; Browder, Stoddard, Chesnut, Goldsmith, Kelly, Locke, Mixon, Cook.

CORPORATIONS: Swift, Chairman; Frazer, St. John, McDowell, Cook, Dorsey.

LOCAL LEGISLATION: Carlton, Chairman; Parrish, Stephens, Chesnut, Cook, McDowell, Stoddard.

EDUCATION: Stephens, Chairman; Thomas, St. John, Fletcher, Russell, Mixon, Riddle, Browder, Cook, Dorsey, Tucker, Kelly, Swift, Starnes, Chesnut, Walton, Stoddard, Parrish, Weaver, Kuykendall.

COMMERCE AND COMMON CARRIERS: Russell, Chairman; Goldsmith, Cook, Rogers (Mobile), Walton, Mooneyham, Wellborn.

MINING AND MANUFACTURING: Starnes, Chairman; Swift, Locke, Chesnut, Fletcher, Walton, Weaver, Dorsey, Woodall.

AGRICULTURE: Walden, Chairman; Glover, Mixon, Stoddard, Dorsey, Chesnut, Cook, St. John, Thomas, Riddle, Kuykendall.

MUNICIPALITIES: Mooneyham, Chairman; Mixon, Cook, Walden, Taylor.

COUNTIES AND COUNTY BOUNDARIES: Locke, Chairman; Mixon, Goldsmith, Parrish, Stoddard.

IMMIGRATION AND INDUSTRIAL RESOURCES: Kelly, Chairman; Thomas, Browder, Walden, Starnes.

PUBLIC BUILDINGS AND GROUNDS: Browder, Chairman; Goldsmith, Parrish.

PRIVILEGES AND ELECTIONS: Woodall, Chairman; Stoddard, Weaver, Chesnut, Mixon, Fletcher, Stephens, Carlton, Frazer, St. John, Russell.

PRINTING: Stephens, Chairman; Simpson, Carlton, Taylor, Glover.

PUBLIC HEALTH: Parrish, Chairman; Kelly, Carlton, Weaver, Tucker.

MILITARY: Walton, Chairman; Swift, Riddle, Woodall, Mooneyham.

TEMPERANCE: Bonner, Chairman; Rogers (Mobile), Carlton, Swift, Wellborn, Russell, Mooneyham, Kuykendall.

ENGROSSED BILLS: St. John, Chairman; Kelly, Taylor.

ENROLLED BILLS: Thomas, Chairman; Mixon, Goldsmith.

REVISION OF THE JOURNAL: Chesnut, Chairman; Walden, Stoddard, Goldsmith.

PUBLIC ROADS AND HIGHWAYS: Rogers (Sumter), Chairman; Walton, Swift, McDowell, Dorsey, Kelly, Cook, Frazer, Woodall, Thomas, Glover, Taylor, Walden, St. John.

FISH AND GAME: Dorsey, Chairman; Glover, Woodall, Swift, Frazer, Stoddard, Chesnut, St. John, Rogers (Mobile), Kuykendall.

FORESTRY AND CONSERVATION: Weaver, Chairman; Frazer, Simpson, Dorsey, Rogers (Mobile), Rogers (Sumter), McDowell, Locke, Swift, Kuykendall.

SEAPORTS: Rogers (Mobile), Chairman; Taylor, Wellborn, Swift, Woodall, Riddle, Fletcher.

AVIATION AND TRAFFIC: Stoddard, Chairman; Simpson, Starnes, Kelly, Mooneyham, Carlton, Rogers (Mobile).

RESOLUTIONS

Mr. Fletcher offered the following Senate resolution:

S. R. 5. BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, that the Rules of the Senate be amended as follows:

To amend Subdivision 1, of Rules No. 43 of the Rules of the Senate of the State of Alabama, so that the same shall read as follows:

1. On the Judiciary, to consist of fifteen members.

And on motion of Mr. McDowell, the Rules were suspended and the resolution adopted.

Mr. Carlton offered the following joint resolution:

S. J. R. 6. Resolved by the Senate, the House of Representatives concurring, that the Secretary of the Senate and the Clerk of the House of Representatives are hereby authorized and directed to provide for the offices of the Secretary of the Senate and Clerk of the House of Representatives suitable vaults or safes for the safeguarding of the records of the Legislature.

And on motion of Mr. Walton, said resolution was read and referred to the Standing Committee on Rules.

Mr. Rogers of Mobile offered the following Senate resolution:

S. R. 7. BE IT RESOLVED BY the Senate of Alabama that the Comptroller of the State of Alabama be requested to make, as promptly as possible, an audit or accounting setting out all funds received by the State of Alabama from October 1st, 1935, to February 1st, 1936, together with all disbursements made of such funds, and that an audit or accounting be made in like detail or manner for the year beginning October 1st, 1934, and ending September 30th, 1935, such audits or accountings to set out in sufficient detail as to be readily understandable the legislative appropriations, the sums received by each Department of Government and expended by each such Department, and the balances, if any, presently on hand and available to each such department.

BE IT FURTHER RESOLVED that the Comptroller of the State of Alabama provide the Senate with a statement setting out the approximate amounts to be received under the Revenue Act of 1935, during each fiscal year of this administration, together with an approximation of funds to be disbursed in each such year.

BE IT FURTHER RESOLVED that when this information is forwarded the Senate of Alabama, the Secretary of the Senate have five hundred copies made of such audits or accountings, and that each member of the Senate be supplied with three copies of the same.

BE IT FURTHER RESOLVED that the Secretary of the Senate procure from the Comptroller a copy of all pay-rolls of the State of Alabama for the month of January, 1936, in the form and as printed in Legislative Document No. 13 of the Regular Session of 1935, printed in pursuance to House Resolution No. 420 of the Regular Session of 1935, and that the Secretary of the Senate have five hundred copies of such pay-rolls printed and each member of the Senate supplied with three copies of the same.

Which was read and referred to the Standing Committee on Rules.

Mr. Fletcher moved that a committee be appointed to ascertain from the Comptroller the time required to get such report under the above resolution, which motion was seconded by Mr. Rogers of Mobile and adopted.

Mr. Carlton offered the following Senate resolution:

S. R. 8. RESOLVED BY THE SENATE, That the Secretary of the Senate is hereby authorized and directed to provide for the office of the Secretary of the Senate, suitable vaults or safes for the safe-guarding of the records of the Senate.

Which was read and referred to the Standing Committee on Rules.

Mr. Mooneyham offered the following joint resolution:

S. J. R. 9. Whereas, in accordance with the suggestions of the coordinator of Railroads, Mr. Joseph B. Eastman, a study is now being made by officials of railroads entering and doing business in Alabama, for the purpose of consolidating and jointly operating the terminal facilities and other properties of said railroads; and

Whereas, said consolidation and combined operation of railroads doing business in Alabama will ultimately retire parallel lines, merge railroad facilities, stifle competition, destroy property values, and seriously multiply unemployment throughout the whole State; and

Whereas, thousands of faithful railroad employees throughout the State, who have devoted their lives to railroad service, will be thrown out of employment, lose their homes and be forced on charity or Governmental Relief, contrary to the Government policy of decreasing instead of increasing unemployment; and

Whereas, the resulting decrease in wages of railroad employees will deprive merchants, growers and other business interests throughout the State of several millions of dollars annually; and

Whereas, said elimination of railroad facilities will seriously interfere with railroad services in local communities throughout the State; and

Whereas, it is a matter of common knowledge that, among others, the Montgomery District of the State of Alabama has suffered greatly during the recent economic depression, and as conditions are beginning to improve it would be a calamity that the railroad facilities in the City of Montgomery should be consolidated when such consolidation would not improve the railroad service, but on the other hand, would throw hundreds of good citizens out of employment and materially affect the revenues of the State, Counties, Municipalities, and School Districts because of a general reduction in property values;

NOW THEREFORE, BE IT RESOLVED, that the House and Senate of Alabama Legislature do hereby record themselves as opposed to the elimination of railroad facilities in this State and do hereby urge the Senators and Congressmen from Alabama to use their influence with the Coordinator of Railroads, and with the President of the United States, to prevent the said consolidation of Railroad facilities in Alabama:

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to both Senators and all Congressmen from Alabama, to Mr. Joseph B. Eastman, Coordinator of Railroads, and to the Honorable Franklin D. Roosevelt, President of the United States.

Which was read and referred to the Standing Committee on Rules.

Mr. Walton offered the following joint resolution:

S. J. R. 10. BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, THE HOUSE CONCURRING:

1. That each and every member of the House of Representatives and the Senate shall, within three days after the adoption of this resolution, register with the Clerk of the House of Representatives and the Secretary of the Senate respectively, giving the following information: (a) His name and the county which he represents; (b) whether or not at any time during his present term of office he has accepted any office of profit under the State, or any sub-division, county, municipality, or district; or has been, or has accepted employment from any department, bureau, board or commission of the State government, or of any county, municipality, or district of the State; or has received any compensation, emoluments, or rewards, either directly or indirectly, from the State of Alabama, or any department, bureau, board or commission of its government, or from any county, municipality, or district of the State, this not to include Notary Publics and ex-officio Justices of the Peace; (c) the office to which he was appointed and which he has accepted since his election to the House of Representatives or the Senate; (d) the department, bureau, board or commission for which he was employed, or from which he received any compensation, emoluments or reward; (e) the county, or municipality, or district under which he held office, or from which he received any compensation, emoluments, or reward; (f) the amount of such compensation, emoluments, or reward, and (g) the nature and character of his work and how long he had been employed, and whether he is now doing any work for the State, or any department, bureau, board or commission, or for any county, municipality or district in the State, and the nature and character of such work.

2. In addition to the information required in Section 1 of this Resolution, each member of the House of Representatives and of the Senate shall give to the Clerk of the House of Representatives and to the Secretary of the Senate in writing the following information: (a) whether a member of a firm or an association, or stockholder in any corporation, domestic or foreign, or an officer therein, before and since his election as a member of the Legislature of Alabama; (b) whether or not the firm, association, or corporation of which the Legislator or Senator is a member or stockholder has had, now has, or will have, any interest in legislation passed or proposed or contemplated before or since their nomination and election to the Legislature; (c) if an employee, agent or attorney of a person, firm, corporation or association, the date of the employment, either before or since their nomination and election to the Legislature, the amount of salary received and the nature of the employment; (d) whether said legislator or Senator is a stockholder, agent or employee of any insurance company, domestic or foreign, which has applied to the State for insurance and been refused such insurance; (e) whether or not any person, firm or corporation has paid for radio time for any member of the House of Representatives or of the Senate before or since, or during, the organization of the 1935 legislature or the Special Session thereof, where the subject discussed was for or against pending or contemplated legislation, and if so what person, firm or corporation or association, paid for said radio time and the amount thereof.

3. Upon receiving all such registrations, it shall be the duty of the Clerk of the House of Representatives and the Secretary of the Senate immediately to print 500 copies of all the registrations filed with them, in pamphlet form, giving the information contained in such registration for the use of the members of the House of Representatives and the Senate.

Which was read and referred to the Standing Committee on Rules.

Mr. Fletcher offered the following Senate resolution:

S. R. 11. BE IT RESOLVED BY THE SENATE, that the Comptroller of the State of Alabama be requested to inform the Senate in connection with the audit or accounting heretofore requested of the Comptroller of all funds received by the State of Alabama from the Government of the United States, the amounts allocated to each department of the State of Alabama and the amounts expended, excepting therefrom the amounts allocated to the State of Alabama and administered by the Works Progress Administration for the relief of individuals of the State, it being the purpose of this resolution to obtain for the Senate the amounts received by the State of Alabama for use in its regular departments from the Federal Government.

BE IT FURTHER RESOLVED, that this information be given for the fiscal year, beginning October 1st, 1934, and ending September 30th, 1935, and for the period beginning October 1st, 1935, and ending February 1st, 1936.

And on motion of Mr. Fletcher, the rules were suspended and the resolution adopted.

The Rules Committee reported the following joint resolution:

S. J. R. 12. Resolved by the Senate, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Tuesday, February 18, 1936, at 11 A.M.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

BILLS RE-REFERRED

The Lieutenant-Governor and President of the Senate announced that all bills introduced and referred on the first Legislative day, February 11th, 1936, are now re-referred to the standing committees shown under each to-wit:

By Mr. Walton:

S. 1. To amend an Act approved July 10, 1935, and entitled, "An Act to provide for the general revenue of the State of Alabama."

Committee on Finance & Taxation.

By Mr. Walton:

S. 2. To amend Article XIII, Chapter 1 of an Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

Committee on Finance & Taxation.

By Mr. Walton:

S. 3. To amend Article XIII, Chapter 1 of an Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

Committee on Finance & Taxation.

By Mr. Walton:

S. 4. To amend an Act entitled an Act to amend Section 1255 of the Code of Alabama 1923, approved July 22, 1931.

Committee on Revision of Laws.

By Mr. Walton:

S. 5. In relation to and to regulate the placing, erection, or maintaining of advertising signs along or upon the public highways of the State of Alabama; and to provide a penalty for the violation of the provisions hereof.

Committee on Public Roads & Highways.

By Mr. Woodall:

S. 6. To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, undertaken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Commissioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient; to provide for the manner of issuance of said warrants, the rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

Committee on Local Legislation.

By Mr. Woodall:

S. 7. To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants of certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

Committee on Local Legislation.

By Mr. Tucker:

S. 8. To provide for the submission to the qualified voters of the state at the next general election to be held on the first Tuesday after the first Monday in November, 1936, or at the first special election held before that date and not less than three months after the final adjournment of the present session of the Legislature, of an amendment to the Constitution of the State of Alabama declaring education an essential function of state government and prohibiting any discrimination against the schools and educational institutions in respect to the payment of appropriations duly authorized by law.

Committee on Finance & Taxation.

The above bill was read a first time at length as required by the Constitution.

By Mr. Simpson:

S. 9. To repeal an act of the Legislature of Alabama of 1935 approved January 30, 1935, and entitled "An Act to create a State Tax Commission of three members; to provide for their appointment, to define their duties and powers, and to fix their salaries."

Committee on Finance & Taxation.

By Mr. Simpson:

S. 10. To repeal an act of the Legislature of Alabama of 1935 approved January 24, 1935, and entitled "An Act to create a Highway Commission of Three; to provide for their appointment, prescribe their duties, and fix their salaries."

Committee on Finance & Taxation.

By Mr. Simpson:

S. 11. To repeal an act of the Legislature of Alabama of 1935 approved January 26, 1935, and entitled "An Act to define who are members of the State Board of Administration; to provide for their appointment; to define their duties and to fix their salaries."

Committee on Finance & Taxation.

By Mr. Simpson:

S. 12. To repeal an act of the Legislature of Alabama of 1935 approved July 10, 1935, and entitled "An Act to provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923".

Committee on Finance & Taxation.

By Mr. Simpson:

S. 13. To repeal an act of the Legislature of Alabama of 1935, approved June 12, 1935, and entitled "An Act to provide for the payment of official expenses of members of the Legislature".

Committee on Finance & Taxation.

By Mr. Simpson:

S. 14. To further regulate the payment of salaries, wages and compensation by the State of Alabama out of public funds and to effect economics in the government of the State of Alabama and to create a Board of Review to aid and assist in the same purposes; to prescribe the powers and duties, and to designate the personnel thereof.

Committee on Finance & Taxation.

By Mr. Simpson:

S. 15. To amend Sections 8 and 11 of an act of the Legislature of Alabama of 1935, approved September 2, 1935, and entitled "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations

authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed."

Committee on Public Roads & Highways.

By Mr. Kelly and Mr. Swift:

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

Committee on Local Legislation.

By Mr. Carlton (by request):

S. 17. To dispense with proof of agency or employment in certain cases.

Committee on Judiciary.

By Mr. Russell:

S. 18. To further provide for and regulate the election of delegates to political party conventions.

Committee on Privileges and Elections.

By Mr. Russell:

S. 19. To further provide for and regulate the selection of candidates for public office by political parties.

Committee on Privileges and Elections.

By Mr. Rogers (Mobile):

S. 20. To provide a lien for laundering, cleaning, pressing, and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Committee on Revision of Laws.

By Mr. St. John:

S. 21. To propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to provide that it shall be unlawful for the Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller by such treasurer in writing that there is then in the hands of such treasurer money available and appropriated for

the full payment of the same, and to provide that all appropriations now or hereafter made shall be either absolute or conditional, and to define absolute appropriations and conditional appropriations, and to provide which appropriations shall be absolute and which appropriations shall be conditional, and to provide that all unpaid conditional appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess, and to prohibit any discrimination in the payment of conditional appropriations.

Committee on Constitution and Constitutional
Revision and Amendments.

By Mr. Woodall:

S. 22. To amend Section 6771 of the Code of Alabama of Alabama of 1923, as amended by act approved July 31, 1931, (Acts 1931 page 805).

Committee on Revision of Laws.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, with amendment to-wit:

S. R. 7. Requesting certain audits and accountings of the State Comptroller for use of the Senate.

Said committee amendment being as follows, to-wit:

Amend the first paragraph of the resolution by adding thereto the following:

"The audits or accountings herein requested to show all receipts and disbursements by sources from

Oct 1st 1933 to Feb. 1st 1934

Oct. 1st 1934 to Feb. 1st 1935

Oct. 1st 1935 to Feb. 1st 1936

and that a comparison be furnished of all receipts and disbursements for the fiscal years beginning Oct. 1st, 1933 and ending Sept. 30th, 1934 and Oct. 1st, 1934 to Sept. 30th, 1935.

Strike the second paragraph of the resolution, and substituting the following:

BE IT FURTHER RESOLVED that the Comptroller of the State of Alabama provide the Senate with a statement setting out the amounts received so far in the current fiscal year and his estimate of the revenue to be received during the remainder of the present fiscal year from the present revenue Laws of Alabama to-

gether with an approximation of funds to be disbursed this year.

And on motion of Mr. Rogers of Mobile, said amendment was adopted; said report concurred in, and the resolution, as amended adopted.

MESSAGE TO THE SENATE

Mr. President:

The House has originated and adopted the following:

By Mr. McGowin:

H. J. R. 6. Be it resolved by the House of Representatives of the State of Alabama, the Senate concurring:

1. That each and every member of the House of Representatives and the Senate shall, within ten days after the adoption of this Resolution, register with the Clerk of the House of Representatives and the Secretary of the Senate respectively, giving the following information: (a) His name and the county which he represents; (b) whether or not at any time during his present term of office he has accepted any office of profit under the State, or any sub-division, county, municipality, or district; or has been, or, has accepted employment from any department, bureau, board or commission of the State government, or of any county, municipality, or district of the State; or has received any compensation, emoluments, or rewards, either directly or indirectly, from the State of Alabama, or any department, bureau, board or commission of its government, or from any county, municipality, or district of the State, this not to include Notary Publics and ex-officio Justices of the Peace; (c) the office to which he was appointed and which he has accepted since his election to the House of Representatives or the Senate; (d) the department, bureau, board or commission for which he was employed, or from which he received any compensation, emoluments or reward; (e) the county, or municipality, or district, under which he held office, or from which he received any compensation, emoluments, or reward; (f) the amount of such compensation, emoluments, or reward, and (g) the nature and character of his work and how long he had been employed, and whether he is now doing any work for the State, or any department, bureau, board or commission, or for any county, municipality, or district in the State, and the nature and character of such work.

2. In addition to the information required in Section 1 of this Resolution, each member of the House of Representatives and of the Senate shall give to the Clerk of the House of Representatives and the Secretary of the Senate in writing the following information: (a) whether a member of a firm or an association, or stock-

holder in any corporation, domestic or foreign, or an officer therein, before and since his election as a member of the Legislature of Alabama; (b) whether or not the firm, association, or corporation of which the Legislator or Senator is a member or stockholder has had, now has, or will have, any interest in legislation passed or proposed or contemplated before or since their nomination and election to the Legislature; (c) if an employee, agent or attorney or a person, firm, corporation or association, the date of the employment, either before or since their nomination and election to the Legislature, the amount of salary received and the nature of the employment; (d) whether said Legislator or Senator is a stockholder, agent or employee of any insurance company, domestic or foreign, which has applied to the State for insurance and been refused such insurance; (e) whether or not any person, firm or corporation has paid for radio time for any member of the House of Representatives or of the Senate before or since, or during, the organization of the 1935 Legislature or the Special Session thereof, where the subject discussed was for or against pending or contemplated legislation, and if so what person, firm or corporation or association, paid for said radio time and the amount thereof.

3. Upon receiving all such registrations, it shall be the duty of the Clerk of the House of Representatives and the Secretary of the Senate immediately to print 500 copies of all the registrations filed with them, in pamphlet form, giving the information contained in such registration for the use of the members of the House of Representatives and the Senate.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 6, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Rules Committee:

S. J. R. 12. Relative to the two Houses adjourning today to meet again on Tuesday, February 18, 1936, at 11 o'clock A.M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the second Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the second Legislative day approved by the Senate.

ADJOURNMENT

At 12:45 P.M., on motion of Mr. Rogers of Mobile and pursuant to joint resolution heretofore adopted, the Senate adjourned until Tuesday, February 18th, 1936, at eleven A.M.

THIRD DAY

Tuesday, February 18th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was led in prayer by Mr. H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Fletcher
Frazer

Glover
Goldsmith
Kelly
Locke
Mixon
Mooneyham
McDowell

Parrish
Rogers (Mobile)
Russell
Starnes
Stephens
Stoddard
Swift

Taylor
Thomas
Tucker
Walden
Walton
Wellborn
Woodall

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. McDowell, leave of absence was granted Mr. Dorsey for to-day.

On motion of Mr. Fletcher, leaves of absence were granted Messrs. Simpson, Riddle and Weaver for to-day.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Wellborn:

S. 27. To amend Section 344 Sub-section (a) of Article 10 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Committee on Finance & Taxation.

By Mr. Walton (by request):

S. 28. To amend Section 5 of an Act approved September 11, 1935, entitled "An Act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Committee on Finance & Taxation.

By Mr. Thomas:

S. 29. To require the Court of County Commissioners, or like governing body of Chilton County, to appropriate annually out of the general fund of the County a sum not less than Three Thousand (\$3,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Chilton County Health Department for the establishment, maintenance and operation of a health department in said county.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

STATE OF ALABAMA,
CHILTON COUNTY.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance, as follows, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To require the Court of County Commissioners, or like governing body of Chilton County, to appropriate annually out of the general fund of the County a sum not less than Three Thousand (\$3,000.00) Dollars; such sum to be preferred claim and payable to the budget of the Chilton County Health Department for the establishment maintenance and operation of a health department in said county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Court of County Commissioners, or like governing body, of Chilton County shall appropriate annually a sum not less than Three Thousand (\$3,000.00) Dollars, which shall be used for the purpose of establishing, maintaining and operating a health department in the county; said funds to be a preferred claim on the general fund of the county and payable in monthly installments to the budget of the Chilton County Health Department, and shall be paid out, by or under the direction of the State Board of Health, as other claims are paid out of said budget.

Section 2. All laws or parts of laws, both local and general, in conflict with the provisions of this Act are hereby repealed insofar as they relate to Chilton County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor.

EARLE THOMAS,
C. B. COX.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published in said county and state and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated January 23, 1936; January 30, 1936; February 6, 1936 and February 13, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 13th day of February, 1936.

W. L. SMITH,
Notary Public.

By Mr. Thomas:

S. 30. To require the Court of County Commissioners or like governing body of Chilton County Alabama to establish and make

payment of an Agricultural Fund for the purpose of paying salaries and travel of a County agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H Club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA, }
CHILTON COUNTY. }

Notice is hereby given that a Bill will be introduced and its enactment sought, at the extraordinary session of the Legislature of Alabama to be called in 1936, which Bill is in substance, as follows, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To require the Court of County Commissioners or like governing body of Chilton County, Alabama, to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The County of Chilton is hereby required to maintain an Agricultural Fund for Chilton County, Alabama for the purpose of paying the salaries and travel expenses of a County Agricultural Agent, A County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant.

Section 2. Said County Agricultural Agent, County Home Demonstration Agent, Assistant County Agricultural Agent in 4-H club work and Clerical Assistant shall be appointed and the salary and or travel expense of each shall be determined by the Court of County Commissioners or like governing body of Chilton County, Alabama in cooperation with the Extension Service created under an Act of The United States Congress approved May 8, 1914, and generally known as the Smith-Lever Act for Extension Work in Agriculture and Home Economics.

Section 3. Said County Agricultural Agent, County Home Demonstration Agent, Assistant County Agricultural Agent in 4-H club work and Clerical Assistant shall perform the duties of the County Agricultural Agent,

County Home Demonstration Agent, Assistant County Agricultural Agent in 4-H club work and Clerical Assistant for Chilton County under the direction and supervision of the Alabama Extension Service.

Section 4. The Court of County Commissioners or like governing body of Chilton County, Alabama, shall fix said Agricultural Fund at not less than \$4300.00 per annum, payable in monthly installments, which amount may be changed at any time provided that the minimum shall always be \$4300.00 and such fund shall be paid out of the General funds of Chilton County, Alabama and be payable in monthly installments to the County Agricultural Agent, County Home Demonstration Agent, Assistant County Agricultural Agent in 4-H club work and Clerical Assistant upon warrant duly drawn by the Court of County Commissioners or like governing body of Chilton County, Alabama, and shall have a preferred claim against the general funds of Chilton County, Alabama, and shall have the same preference of payment as services performed by the Court of County Commissioners or like governing body of Chilton County, Alabama, may have at the time any such warrants are drawn and presented for payment.

Section 5. Warrants shall be drawn by the Court of County Commissioners or like governing body of Chilton County, Alabama, for salaries and travel of the County Agricultural Agent, County Home Demonstration Agent, Assistant County Agricultural Agent in 4-H club work and the salary of the Clerical Assistant upon the certification of the Alabama Extension Service that services have been performed, and shall have the same preference of payment as set forth in section 4 of this Act.

Section 6. The Court of County Commissioners or like governing body of Chilton County, Alabama, shall provide adequate office space, office and field equipment, supplies, water, heat, lights, telephone rental and toll charges telegraph charges, janitor hire and such other miscellaneous expenditures as may be necessary for the successful carrying out of the provisions of this Act for each said employee and pay therefor by warrants duly drawn by the Court of County Commissioners of Chilton County, Alabama, against the general funds of Chilton County, Alabama.

Section 7. The Provisions of this Act shall become effective immediately upon its passage by the Legislature and approval by the Governor of Alabama.

Section 8. All laws and parts of laws in conflict with this Act are hereby repealed in so far as they apply to Chilton County, Alabama.

Section 9. In the event any part of this Act is declared invalid or unconstitutional the remaining parts shall remain in full force.

EARLE THOMAS,
Senator.

C. B. COX,
Representative.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA, }
CHILTON COUNTY. }

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published in said county and state and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated January 23, 1936; January 30, 1936; February 6, 1936 and February 13, 1936.

Billy Smith,
Publisher.

Sworn and subscribed to before me this the 13th day of February, 1936.
W. L. Smith,
Notary Public.

By Mr. Kelly:

S. 31. To provide for the removal of poles or devices erected or maintained on public rights of way therefrom; to provide for an annual rental on said poles or devices if such utilities desire to maintain or erect such poles or devices on said public rights of way; to provide for the payment of rentals to counties and incorporated municipalities where such public rights of way are on county roads or the streets of the municipalities; to provide for the repeal of all laws in conflict herewith; to provide when this act shall go into effect.

Committee on Finance & Taxation.

By Mr. Kelly:

S. 32. To amend Section 142 of an act entitled "An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

Committee on Finance & Taxation.

By Mr. Kelly:

S. 33. To amend sub-division (d) of Section 10 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Committee on Finance & Taxation.

By Mr. Kelly:

S. 34. To amend Section 143 of an act entitled "An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

Committee on Finance & Taxation.

By Mr. Kelly:

S. 35. To declare and fix the priority of the claims of local registrars of vital statistics in the several counties in the State.

Committee on Public Health.

By Mr. Kelly:

S. 36. To provide for the registration of original marriage licenses with the Bureau of Vital Statistics of the State Board of Health and license fees therefor and to provide for the issuance of certified copies thereof.

Committee on Public Health.

REPORT OF COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Woodall (with notice and proof) :

S. 6. To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, undertaken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Commissioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient; to provide for the manner of issuance of said warrants, the rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

By Mr. Woodall (with notice and proof) :

S. 7. To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants of certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

By Messrs. Kelly & Swift (with notice and proof) :

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

By Mr. Mooneyham :

S. 25. To prescribe the fees and commissions to be allowed the Tax Collectors and Tax Assessors for assessing and collecting all special County or District taxes levied for school purposes in all Counties of this State having a population of not less than eighty thousand persons and not more than one hundred thousand persons, according to the last Federal census or any subsequent Federal census.

REPORT FROM RULES COMMITTEE

Mr. Fletcher, acting Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report to-wit:

S. R. 8. Authorizing the Secretary of the Senate to purchase a suitable safe for the safeguarding of the records of the Senate.

And on motion of Mr. Fletcher, said report was concurred in and the resolution adopted.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the third Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the third Legislative day approved by the Senate.

ADJOURNMENT

On motion of Mr. Fletcher, the Senate adjourned until Friday, February 21st, 1936, at eleven A. M.

FOURTH DAY

Friday, February 21st, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Glover	Riddle	Swift	Woodall

—32

JOURNAL

On motion of Mr. Riddle the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Mixon, leave of absence was granted Mr. Kuykendall for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Stephens:

S. 37. To further regulate the liability of fire and casualty insurers in the State of Alabama.

Committee on Finance and Taxation.

By Mr. Wellborn:

S. 38. To propose an amendment to Section 197 of Article IX of the Constitution of Alabama of 1901.

Committee on Privileges and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Wellborn:

S. 39. To amend Section 1508 of the Code of Alabama of 1923.
Committee on Privileges and Elections.

By Mr. Wellborn:

S. 40. To amend Section 1507 of the Code of Alabama of 1923.
Committee on Privileges and Elections.

By Mr. Wellborn:

S. 41. To propose an amendment to Section 198 of Article IX of the Constitution of Alabama of 1901.
Committee on Privileges and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Simpson:

S. 42. To provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having a population of 300,000 or more, according to the last or any subsequent Federal census and having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, any may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Committee on Local Legislation.

The above bill was read a first time at length as required by the Constitution.

By Mr. Simpson:

S. 43. To provide that in all counties in this State having a population of 300,000 or more, according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties

shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred under the law to deputy sheriffs; and to further provide when this Act shall become effective.

Committee on Local Legislation.

By Mr. Walton:

S. 44. To amend an Act of the Legislature of Alabama entitled, "An Act for the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof," approved September 13, 1935.

Committee on Public Health.

By Mr. Chesnut:

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following Local Bill will be introduced at the Extra session of the Legislature of Alabama, viz:

A BILL
TO BE ENTITLED
AN ACT

To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all Laws or parts of Laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Be it enacted by the Legislature of Alabama:

Section One—The Commissioners Court of Cherokee County, Alabama, or similar governing body of said County, is hereby authorized, empowered and permitted to appropriate ten (10%) per centum of all funds derived and received now or hereafter by Cherokee County, Alabama, from the State of Alabama from the excise tax or any other tax on gasoline or other liquid motor fuel, levied and collected by the State of Alabama for the use and benefit of the several counties of this state, to the General Funds of said Cherokee County, Alabama, until October 1st, 1938. The appropriation herein provided for shall be paid monthly, as such funds are received by the County, into the General Funds of Cherokee County, Alabama, and shall be paid out as are the other such General Funds of said County paid.

Section Two—At the first meeting of the Commissioners Court or like governing body of Cherokee County, Alabama, after the passage and approval of this Act, and the receipt from the State of the monthly payment to Cherokee County, Alabama, of the sum from such excise tax on gasoline or other liquid motor fuel, such Commissioners Court or like governing body of Cherokee County, Alabama, shall order warrant be drawn on said special fund in the sum of ten (10%) per centum of the amount received by Cherokee County, Alabama, and it shall be the duty of the Probate Judge to draw warrant for said amount, payable to the General Fund of Cherokee County, Alabama, and deliver the same to the County Depository for deposit in said General Fund.

Section Three—The provisions of this Act shall go into effect on its passage and approval by the Governor. Should any section, clause or provision of this Act be declared unconstitutional by any Court of competent jurisdiction, then the remaining parts shall remain in full force and effect.

Section Four—All laws, parts of law, local or general, in conflict with the provisions of this Act are hereby expressly repealed.

THE STATE OF ALABAMA,
CHEROKEE COUNTY.

Before me, E. S. Johnson, Clerk of the Circuit Court in and for said County and State, personally appeared T. H. Shropshire, who is known to me and who being by me first duly sworn on oath deposes and says:

That he is the Editor and Publisher of The Coosa River News, a newspaper which is published at Center in Cherokee County, Alabama, and that the attached notice of Local Bill to be introduced at the Extra Session of the Legislature of Alabama, was published for four consecutive weeks in

The Coosa River News, viz: In the January 17th, January 24th and January 31st, and February 7th, 1936, issues.

T. H. SHROPSHIRE,
Editor of The Coosa River News.

Sworn to and subscribed before me this February 17, 1936.

E. S. JOHNSON,
Clerk of the Circuit Court.

(Seal)

By Mr. Russell:

S. 46. To amend Section 8814 of the Code of Alabama of 1923.
Committee on Revision of Laws.

By Mr. Russell:

S. 47. To amend Schedule 7 of Chapter 1 of Article XIII of an Act "To provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Committee on Finance and Taxation.

By Mr. Walton:

S. 48. To amend Section 5 of an Act approved September 11, 1935, entitled "An Act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Committee on Finance and Taxation.

By Mr. Starnes:

S. 49. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Committee on Revision of Laws.

By Mr. Rogers (Mobile):

S. 50. To amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor," approved April 20, 1933, and found in Gen-

eral and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

Committee on Revision of Laws.

By Mr. Mooneyham:

S. 51. To prohibit persons, firms or corporations operating steam railroads in intrastate transportation of persons and property within the State of Alabama unifying or consolidating freight or passenger depots, freight or passenger terminals, freight or passenger yard tracks, freight or passenger shops or any freight or passenger terminal facilities, within the State of Alabama, used in the intrastate transportation of persons or property, where such unification or consolidation will constitute an unreasonable burden upon intrastate commerce within the State of Alabama or is not consistent with the public interest.

Committee on Commerce and Common Carriers.

By Mr. Simpson:

S. 52. To amend an Act, entitled "An Act to promote the objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, by adding thereto a section making loans insured under Title II of the National Housing Act eligible for deposit where securities must be, or may be, deposited pursuant to any law of the State of Alabama.

Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

By Mr. Lusk:

H. 7. To Amend Section 370-A of an Act Entitled "An Act to Provide for the General Revenue of the State of Alabama", Approved July 10, 1935.

• Also:

By Mr. Harrison:

H. 19. To amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

Also:

By Mr. Harrison:

H. 20. To amend Section 31 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama".

Also:

By Mr. Toomer:

H. 40. To authorize and empower cities of more than twenty-five hundred population, according to the last Federal Census, where no city Board of Education exists, to sell and dispose of property formerly owned and used for educational purposes but which is no longer used or useful for educational purposes.

Also:

By Mr. McDermott:

H. 46. To amend Section 202 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama, approved July 10th, 1935 and known as House Bill No. 324, relating to the final settlement of Tax Collectors.

Also:

By Mr. McDermott:

H. 47. To amend Section 195 of an act entitled "An Act to provide for the general Revenue of the State of Alabama" approved July 10th, 1935 and known as House Bill No. 324, relating to the final settlement of Tax Collectors.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 7, H. 19, H. 20, H. 46 and H. 47—to the Committee on Finance and Taxation.

H. 40, to the Committee on Local Legislation.

RESOLUTIONS

Mr. Browder offered the following joint resolution:

S. J. R. 13. Whereas the Legislature of Alabama has been called in extra session primarily for the purpose of raising sufficient revenue to pay the appropriations already made by this Legislature for schools.

Whereas we have been in session two weeks, two days per week, and no appreciable progress has been made toward this paramount purpose of the session.

Whereas the schools in many of the counties of Alabama are being forced to close unless the teachers are willing to teach on faith again for the remainder of the term without assurance of getting their pay.

Therefore be it resolved by the Senate of Alabama, the House concurring that when we adjourn to-day, we adjourn to meet again Tuesday February 25, at 11 o'clock, with the distinct understanding that we work three legislative days next week and at least that many days each week thereafter until final adjournment.

Be it further resolved that the Finance and Taxation Committee or a sub-committee thereof meet with the House Ways and Means Committee or a like sub-committee thereof and work out an equitable plan for raising the required revenue for schools and submit it to the Legislature so that it may be voted on as early as possible in order that definite plans may be made in all counties to close the schools when funds are exhausted without having to wait to see what the Legislature is going to do.

Be it further resolved that the chairmen of the above named committees be charged with the responsibility of seeing that the proposed joint committee meetings be held for the purpose set out above.

Which was read and referred to the Standing Committee on Rules.

MR. THOMAS OFFERED THE FOLLOWING SENATE
RESOLUTION:

S. R. 14. A Senate resolution memorializing the President and Congress of the United States of America to extend cotton loans made to producers during 1934-35 under the 12-cent loan plan to July 31, 1936 and to provide for the waiving of the charges and accruals to February 1, 1936.

WHEREAS, some 150,000 cotton farmers of Alabama during the 1934-35 season delivered to the Commodity Credit Corporation some 675,000 bales of cotton on and in accordance with the Commodity Credit Corporation's 12-cent loan announcement, and

WHEREAS, the said Alabama cotton farmers believing they were cooperating with the crop control program announced by the Secretary of Agriculture, and in the attainment of the Administration's announced objective for agriculture, parity prices, placed their cotton in the loan at a time when its market value was from \$3.00 to \$7.50 per bale in excess of its loan value, and

WHEREAS, when said loans matured July 31, 1935, because of the condition of the market at that time, the loans were extended to February 1, 1936 but have not since been extended, and are being carried in past due form, and

WHEREAS, it is believed that the Secretary of Agriculture and the Agricultural Adjustment Administration have strongly favored an extension of the loan to July 31, 1936 and the waiving of all accrued carrying charges to February 1, 1936, thereby permitting that cotton which is needed to move in world markets at world market prices, and

WHEREAS, a Bill has been introduced in the Congress providing that the Government take title to the cotton and liquidate it by the sale of some 20,000 bales weekly, with no consideration being given to equalizing the loan to the borrower for grade, stable and location, and

WHEREAS, it is believed that the forced sale of cotton and the limiting of the volume of sales, regardless of marketing conditions or price, is uneconomical and wasteful, and is detrimental to all cotton farmers, and

WHEREAS, by extending the loans, the government can maintain its faith with the cotton farmers and at the same time save money for the Government:

NOW, THEREFORE, BE IT RESOLVED that the President of the United States, the Secretary of Agriculture, the Administrator of the Agricultural Adjustment Administration, together with our Senators and Congressmen, who represent the people of Alabama in the Congress, be requested to use their combined influence to have the 12-cent loan extended to July 31, 1936, with carrying charges waived to February 1, 1936, so that title to said cotton shall remain in the producers with opportunity for disposition on a basis more nearly in conformity with the best interests of the producers.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the United States, the Secretary of Agriculture, Administrator of the Agricultural Adjustment Administration, and to the Senators and Congressmen representing the State of Alabama.

Which was read and referred to the Standing Committee on Rules:

The Rules Committee reported the following joint resolution:

S. J. R. 15. Resolved by the Senate, the House concurring, that when the two Houses adjourn today they adjourn to meet again at 10 A. M. Wednesday, Feby. 26th, 1936, no mileage is to be paid.

Mr. St. John offered the following amendment to said resolution to-wit:

Be it resolved by the Senate, the House concurring that when the two houses adjourn today, they adjourn to meet again on Tuesday, Feb. 25, at 12 o'clock.

On motion of Mr. McDowell, said amendment was laid on the table.

Yeas, 22; Nays, 10.

Yeas:

Messrs.:

Bonner	Goldsmith	Parrish	Stoddard	
Chesnut	Kelly	Riddle	Taylor	
Cook	Locke	Rogers (Mobile)	Walden	
Fletcher	Mixon	Simpson	Weaver	
Frazer	Mooneyham	Starnes	Wellborn	
Glover	McDowell			—22

Nays:

Messrs.:

Browder	St. John	Thomas	Walton	
Carlton	Stephens	Tucker	Woodall	
Russell	Swift			—10

And the resolution was then adopted.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report to-wit:

S. R. 14. Requesting the President of the United States, the Secretary of Agriculture, the Administrator of the A. A. A., together with our Senators and Congressmen in Congress to use their influence to have the 12c loans on cotton extended to July 31, 1936, with carrying charges waived to February 1st, 1936.

And on motion of Mr. Riddle said report was concurred in and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Cox (with notice and proof):

H. 1. To require the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies, for or on behalf of Chilton County, to advertise for and obtain competitive bids for the purchase of such goods, wares, merchandies, machinery or supplies in all cases where the amount of such purchase exceeds the sum of

\$150.00 and to provide for the manner of giving notice of the time and place for receiving such bids, and providing the penalty for the noncompliance with the terms of this act and to require the acceptance of the lowest and best competitive bid for any such purchase.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,
CHILTON COUNTY:

Notice is hereby given that a Bill will be introduced and its enactment sought, at the extraordinary session of the Legislature of Alabama to be called in 1936, which Bill is in substance, as follows, to wit:

A BILL

To Be Entitled

AN ACT

To require the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies, for or on behalf of Chilton County, to advertise for and obtain competitive bids for the purchase of such goods, wares, merchandise, machinery or supplies in all cases where the amount of such purchase exceeds the sum of \$150.00 and to provide for the manner of giving notice of the time and place for receiving such bids, and providing the penalty for the non-compliance with the terms of this act and to require the acceptance of the lowest and best competitive bid for any such purchase.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA.

SECTION 1. That after the approval of this act the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies for or on behalf of Chilton County, shall by notice, published once a week for two successive weeks in some newspaper published in Chilton County, Alabama, give notice of the specifications and amount of such goods, wares, merchandise, machinery or supplies desired to be purchased and of the time and place when sealed bids will be received for the supplying of such purchase. That at the time and place so set, such bids shall be opened in the presence of the Court and that the lowest bid shall be accepted by said Court, provided, however, that this Act shall not apply to purchases where the amount involved is \$150.00 or less.

SECTION 2. That the purchase of any goods, wares, merchandise, machinery, or supplies, for or on behalf of Chilton County, Alabama not in compliance with this provisions of this act shall be null and void, and shall not create any liability against the said Chilton County, Alabama.

SECTION 3. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

EARL THOMAS,
C. B. COX.

PUBLISHERS AFFIDAVIT

STATE OF ALABAMA,
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published in said county and state, and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated January 16, 1936; January 23, 1936; January 30, 1936 and February 6, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 8th day of February, 1936.

J. B. ATKINSON,
Notary Public.

Also:

By Mr. Langdon (with notice and proof):

H. 51. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privilege tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof".

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PUBLICATION

Notice is hereby given that the following proposed Act of the Legislature of Alabama will be offered for enactment at a special or extra session of the Legislature of Alabama to be called to meet in January, 1936, or some subsequent date in said year:

AN ACT

To repeal an Act entitled, "To provide for the payment in Pickens County, Ala., of a License or Privilege Tax on Gasoline and Other Motor Fuel and to Provide for the collection thereof and penalties for violation thereof."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

That an act entitled, An Act to provide for the payment in Pickens County, Alabama, of a license or privilege tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof, which said act became a law under section 125 of the Constitution of Alabama, 1927, be and the same is hereby repealed.

Robert Langdon, Representative.

PROOF OF PUBLICATION

THE STATE OF ALABAMA,
PICKENS COUNTY.

Before me, Jack M. Pratt, a Notary Public in and said County, personally appeared Thalia F. Pratt, Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first

duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows.

November 21, 1935; November 28, 1935; December 5, 1935; December 12, 1935.

Thalia F. Pratt.

Subscribed and sworn to before me, this the 21st day of January, 1936.
(Seal)

Jack M. Pratt, Notary Public.

Also:

By Mr. Langdon (with notice and proof):

H. 50. To authorize the Board of County Commissioners, or like governing body of Pickens County, Alabama, to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of County Commissioners, or like governing body, of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity basis; to repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PUBLICATION

Notice is hereby given that at a special or extra session of the Alabama Legislature to be called for January or subsequent date in 1936, a local bill for Pickens County will be introduced for passage, in substance as follows:

AN ACT

To authorize the Board of County Commissioners, or like governing body, of Pickens County, Ala., to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations and re-

finers selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," fuel oil, or crude oil, commonly used for lighting, heating or industrial purposes, not to exceed one per cent per gallon;

To authorize said Board of County Commissioners, or like governing body, of said county to provide the necessary rules and regulations and machinery for the collection of said privilege tax;

To make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity basis.

To repeal the municipal privileges, excise and or license taxes on gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county.

To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

ROBERT LANGDON,
Representative.

PROOF OF PUBLICATION

THE STATE OF ALABAMA, PICKENS COUNTY.

Before me, Jack M. Pratt, a Notary Public in and for said County, personally appeared Thalia F. Pratt, Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows.

November 21, 1935; November 28, 1935; December 5, 1935; December 12, 1935.

Thalia F. Pratt.

Subscribed and sworn to before me, this the 21st day of January, 1936.
(Seal) Jack M. Pratt, Notary Public.

Also:

By Mr. Langdon (with notice and proof):

H. 52. To authorize and provide for the payment of the sum of Two hundred and fifty dollars (\$250.00) for the relief of James W. Carpenter of Reform, Alabama, Pickens County who was injured on the 20th day of September 1934, while being transported to work for said County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PUBLICATION

Notice is hereby given that the following proposed Act of the Legislature of Alabama will be offered for enactment at a special or extra session of the Legislature of Alabama to be called to meet in January, 1936, or some subsequent date in said year:

AN ACT

To authorize and provide for the payment of the sum of two hundred and fifty dollars (\$250) for the relief of James W. Carpenter of Reform, Ala., Pickens County, who was injured on the 20th day of September, 1934, while being transported to work for said county.

Whereas, James W. Carpenter, while being transported to work for Pickens County, Ala., was injured by being run over by a truck, belonging to or in hire of said county.

Whereas, the said James W. Carpenter was seriously injured and has medical and other expenses to amount of two hundred and fifty dollars (\$250.00) and

Whereas no adequate compensation has been paid the said James W. Carpenter for said injuries.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That immediately upon the passage of this Act the Court of County Commissioners, or other like governing body of Pickens County, Ala., be and is hereby authorized to issue its warrant on the county depository of said county in favor of the said James W. Carpenter his executor or administrator in the sum of two hundred and fifty dollars (\$250.00) which shall be paid by the said County Depository out of any funds in the County Depository, not otherwise appropriated.

Robert Langdon, Representative.

PROOF OF PUBLICATION

THE STATE OF ALABAMA,
PICKENS COUNTY.

Before me, Jack M. Pratt, a notary public in and for said County, personally appeared, Thalia F. Pratt, Publiiser of The Pickens County Herald & West Alabamaian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows.

November 21, 1935; November 28, 1935; December 5, 1935; December 12, 1935.

Thalia F. Pratt.

Subscribed and sworn to before me, this the 21st day of January, 1936.
(Seal)

Jack M. Pratt, Notary Public.

Also:

By Mr. Cox (with notice and proof):

H. 3. To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Chilton County, Alabama; to create the office of road supervisor for said County; to provide for his election or appointment, discharge and removal; to provide for his appointment in the event the Court

of County Commissioners fail to elect; to fix his qualifications and prescribed his duties, power and authority; to provide for the manner of allowance and payment of claims against the County approved by him; to fix his compensation and expenses and manner of payment; to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County, to provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not effect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act, insofar as they apply to Chilton County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

STATE OF ALABAMA, CHILTON COUNTY.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance, as follows, to-wit:

A BILL

To Be Entitled

AN ACT

To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Chilton County, Alabama; to create the office of road supervisor, for said County; to provide for his election or appointment, discharge and removal; to provide for his appointment in the event the Court of County Commissioners fail to elect; to fix his qualifications and prescribed his duties, power and authority; to provide for the manner of allowance and payment of claims against the County approved by him; to fix his compensation and expenses and manner of payment; to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County to provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provision of this Act, insofar as they apply to Chilton County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That there is hereby created in and for said Chilton County, Alabama, the office of Road Supervisor. That said Road Supervisor shall be appointed by the Governor of Alabama, immediately upon the approval of this Act, and shall hold such office until the first Monday in February, 1939, and until his successor is elected and qualified. That if any vacancy in such office occurs before the first Monday in February 1939 such vacancy shall be filled by appointment by the Governor. That for the term beginning the first Monday in February, 1939 and each four years thereafter there shall be elected a Road Supervisor by the Commissioners Court of Chilton County, Alabama, under this Act, and such Road Supervisor shall be elected by the

Commissioner Court, Chilton County, Alabama, from a list of two or more persons whose names shall be recommended, in writing, for such position to such Court by the Judge of Probate of Chilton County, Alabama. That in the event that the Commissioner Court of Chilton County, Alabama, fail within the period of thirty days after the first Monday in February 1939, or at the beginning of any subsequent term or when a vacancy occurs in such office, as above provided, if any, to so select a Road Supervisor of Chilton County, Alabama, that then, and in that event the Governor of Alabama shall appoint such Road Supervisor to fill such vacancy.

Section 2. That the person so appointed and elected as Road Supervisor of Chilton County, Alabama, shall be a civil Engineer with at least five years experience in constructing, building and maintaining of roads and bridges and during his term of office shall devote his entire time to the duties thereof and shall during his term of office reside in Chilton County, Alabama. That before entering upon the discharge of duties of such office said Road Supervisor shall furnish good and sufficient bond executed by some Surety Company authorized to do business in Alabama in the penal sum of Five Thousand & No 100 (\$5,000.00) Dollars payable to Chilton County, Alabama to be approved by the Judge of Probate of Chilton County, Alabama and conditioned upon the faithful performance of his duties as required by law, and the premium on said bond to be paid by Chilton County, Alabama.

Section 3. That said Road Supervisor may be removed by the Commissioners Court of Chilton County, Alabama, for neglect of duty or for any other cause which is sufficient grounds of impeachment of public officers in Alabama and said removal may be effected by said Court after giving ten days notice to said Road Supervisor who shall be entitled to a copy of the charges filed against him and to a hearing thereof. Said Road Supervisor shall have the right within five days after any decision removing him from said office to appeal to the Circuit Court in Equity in which Court any such appeal shall be a preferred case.

Section 4. That the salary of said Road Supervisor shall be fixed and determined by the Commissioners Court of Chilton County, Alabama, at the time of his election or appointment and shall be not less than Two Thousand Four Hundred and No/100 (\$2,400.00) Dollars per annum nor more than \$3,000.00 per annum. That in the event said Commissioners Court fails to fix and determine the amount of said salary, as above prescribed, same is hereby fixed at the sum of Two Thousand Four Hundred \$2,400 Dollars per annum.

Section 5. That the duty and authority as to the building, maintenance or repairing of public roads and bridges in Chilton County, Alabama, be and the same is hereby vested in said Road Supervisor, subject only to the control of said Commissioners Court of Chilton County, Alabama, as herein set forth. And to that end said Road Supervisor is given the duty, power and authority to employ or hire teams, machines, trucks and all necessary employees, laborers or helpers to properly construct, maintain and repair the roads and bridges of said County. That said Supervisor shall not employ as an employee, laborer or helper under this Act any person related either to him or any official of Chilton County, Alabama, by blood or marriage within the second degree. All materials, machinery, equipment and necessary supplies needed for the construction, maintenance or repair of the public roads and bridges of Chilton County, Alabama, shall be purchased only after written requisition therefor, by the Road Supervisor, which requisition shall be in writing, and stating the amount, quality and nature thereof and shall be filed with the Commissioners Court by said Road Supervisor and approved by the Judge of Probate of said County. That upon the filing and approval of such requisition it shall be the duty of said Commissioners Court within the limits as provided by this act to make purchase of such materials, machinery, equipment and necessary supplies and same shall be paid for by said Commis-

sioners Court out of any funds available for that purpose, other than the general funds of said County, but only upon proper claim filed and approved by said Road Supervisor.

It shall be the duty of said Road Supervisor to inspect all material, machinery, equipment and supplies purchased by Chilton County for the use on public roads and bridges when the same delivered in Chilton County, and same shall not be accepted without first having been approved by him.

Section 6. That said Road Supervisor shall be the custodian of all machinery, equipment, supplies or materials owned by the County under this act and shall be required and liable to account therefor to the Commissioners Court of Chilton County, Alabama, upon written demand by them, and shall render an account therefor at the expiration of his term of office.

Section 7. That it shall be the duty of said Road Supervisor, as soon as possible after his election or appointment to make a map of the road system of Chilton County and divide said County into road districts. That the same shall be divided so that at least each beat in said County is a separate district and may be divided into a larger number of road districts if deemed advisable by said Road Supervisor. That such Road Supervisor shall classify and number each of the roads in said County and it shall be the duty of said road supervisor to see that as equitability as possible an equal amount of funds of said County is expended in each of said districts having regard to the area and population served thereby. That within ten days after the end of each calendar month said Road Supervisor shall file with the Commissioners Court of Chilton County, Alabama, an itemized statement showing the amount of funds expended on the roads of each of said districts for the preceding month, showing the amount expended for labor and the amounts expended for material and the nature and quantity thereof.

Section 8. That the authority of said Road Supervisor shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of the public highways and bridges of Chilton County as may be set aside and appropriated by the Commissioners Court of Chilton County, Alabama, as hereinafter provided. That within one month preceeding the first Monday in February, May and August and November the Commissioners Court of Chilton County, Alabama, shall by order or resolution spread upon the minutes of said Court fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing the public roads of Chilton County for the following three months period, and which amount, other than the salary of the said Road Supervisor and his necessary expenses shall not be exceeded by him in constructing, maintaining or repairing the public roads in Chilton County during said period, provided however, that said Commissioners Court is authorized from time to time within any such period to increase the amount so allowed to be expended by said Road Supervisor during any such period.

Section 9. That no funds of Chilton County, Alabama, shall be expended or any liability created against said County on account of the construction, maintenance or repairs of the public roads and bridges of Chilton County, Alabama, for supervision, labor, supplies, machinery or equipment in any other manner than is provided by the terms of this act.

Section 10. That said road Supervisor shall be furnished an office and all necessary office supplies and shall be furnished with all necessary transportation in the connection with the performance of his duty under this act which expense for transportation shall not exceed one hundred & No/100 (\$100.00) Dollars per month and that the salary and expense of said Road Supervisor shall be paid monthly by warrant drawn upon funds of Chilton County available road purposes, and if no such funds are available then the same shall be paid by warrant drawn upon the General Funds of said County.

Section 11. That all laws and parts of laws in conflict herewith be and the same are repealed.

Section 12. That if any paragraph or part of this Act shall be declared to be unconstitutional, it shall not affect any other part or parts hereof.

EARL THOMAS,
C. B. COX.

PUBLISHERS AFFIDAVIT

STATE OF ALABAMA, CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and county, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Chilton County News, a newspaper published in said state and county and that the attached Notice of Local Bill, was published in said newspaper for four consecutive issues, dated January 16, 1936; January 23, 1936; January 30, 1936 and February 6, 1936.

Bill Smith, Publisher.

Sworn and subscribed to before me this the 8th day of February, 1936.

J. B. Atkinson, Notary Public.

Also:

By Mr. Cox (with notice and proof):

H. 2. To fix and determine the amount of compensation to be paid to the Members of the Court of County Commissioners of Chilton County, Alabama who are elected in the General election held in 1936 and each election thereafter and to provide the manner of the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA, CHILTON COUNTY.

Notice is hereby given that a bill will be introduced and its enactment sought, at the extraordinary session of the Legislature of Alabama to be called in 1936, which Bill is in substance, as follows, to-wit:

A BILL To Be Entitled AN ACT

To fix and determine the amount of compensation to be paid to the Members of the Court of County Commissioners of Chilton County, Alabama who are elected in the General election held in 1936 and each election thereafter and to provide the manner of the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA.

Section 1. That the compensation of the members of the Court of County Commissioners of Chilton County, Alabama who shall be hereafter elected, beginning with the general election held in 1936 and each election thereafter shall be the sum of \$75.00 per month, payable out of the general fund of Chilton County in the manner provided by law for payment of claims against such fund. That no member of the Court of County Commissioners of Chilton County, elected at the general election in 1936 or any subsequent election, shall receive any other or further compensation on account of his services as such commissioner.

SECTION 2. That all laws and parts of laws in conflict with this act be and the same are hereby, expressly repealed.

EARLE THOMAS,
C. B. COX.

PUBLISHERS AFFIDAVIT

STATE OF ALABAMA.
CHILTON COUNTY.

Before me, the undersigned Notary Public, in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published in said County and State, and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated January 16, 1936; January 23, 1936; January 30, 1936 and February 6, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 8th day of February, 1936.
J. B. ATKINSON,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committee as follows:

House Bills 1, 2, 3, 50, 51 and 52, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has adopted S. J. R. 15, relative to adjournment until Wednesday, February 26th, 1936, and returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

Mr. St. John moved that the Senate non-concur in the following amendment by the House to S. J. R. 15, set out in the foregoing message from the House, to-wit:

Be it resolved by the Senate the House of Representatives concurring, that when the two Houses adjourn today, that they adjourn to meet Thursday, February 27th, 1936, at ten o'clock A. M. without benefit of mileage.

Mr. Rogers of Mobile moved that the motion of Mr. St. John be laid on the table, which motion prevailed and the motion to non-concur was tabled.

Yeas, 15; Nays, 15.

Yeas:

Messrs.:

Cook	Locke	Simpson	Tucker	
Fletcher	McDowell	Starnes	Weaver	
Glover	Rogers (Mobile)	Stoddard	Wellborn	
Goldsmith	Russell	Taylor		—15

Nays:

Messrs.:

Bonner	Kelly	St. John	Walden	
Browder	Mixon	Stephens	Walton	
Carlton	Mooneyham	Swift	Woodall	
Chesnut	Parrish	Thomas		—15

Said vote being a tie, the Lieutenant-Governor and President of the Senate voted "yea".

The question then recurred on concurrence in the House amendment and the Senate refused to concur and requested a Committee of Conference.

Yeas, 14; Nays, 18.

Yeas:

Messrs.:

Cook	Goldsmith	Simpson	Taylor	
Fletcher	McDowell	Starnes	Weaver	
Frazer	Riddle	Stoddard	Wellborn	
Glover	Rogers (Mobile)			—14

Nays:

Messrs.:

Bonner	Locke	St. John	Tucker	
Browder	Mixon	Stephens	Walden	
Carlton	Mooneyham	Swift	Walton	
Chesnut	Parrish	Thomas	Woodall	
Kelly	Russell			—18

The President of the Senate appointed as conferees on part of the Senate Messrs. Tucker, Rogers of Mobile and St. John.

BILLS ON THIRD READING

The bill:

S. 6. To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, undertaken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Commissioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient;

to provide for the manner of issuance of said warrants, the rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Russell	Thomas
Browder	Kelly	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Cook	Mooneyham	Stoddard	Weaver
Fletcher	McDowell	Swift	Wellborn
Frazer	Parrish	Taylor	Woodall
Glover	Rogers (Mobile)		

—30

Nays: None.

The bill:

S. 7. To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants of certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Locke	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—30

Nays: None.

The bill:

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to

the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 4.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stoddard	Weaver
Frazer	Parrish	Swift	Woodall
Glover	Rogers (Mobile)	Taylor	

—27

Nays:

Messrs.:

Bonner	Goldsmith	Stephens	Wellborn
--------	-----------	----------	----------

—4

The bill:

S. 25. To prescribe the fees and commissions to be allowed the Tax Collectors and Tax Assessors for assessing and collecting all special County or District taxes levied for school purposes in all Counties of this State having a population of not less than eighty thousand persons and not more than one hundred thousand persons, according to the last Federal census or any subsequent Federal census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Locke	St. John	Thomas
Carlton	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)		

—30

Nays: None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate:

By Mr. Goodwin:

H. 93. To Amend Section 4 of the Act entitled "An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education in lieu of all other city and county boards of Education in such counties, and provide for the manner of its selection and define its authority," Approved September 6, 1927, as heretofore amended by Acts approved March 5, 1931, July 8, 1931 and July 11, 1935," so as to confer additional powers upon the Boards of Education established by said Act and to validate purchases of property heretofore made and contracts of employment heretofore entered into and warrants heretofore issued by said Board.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 93, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Tompkins (with notice and proof):

H. 94. For the relief of S. A. Powell, and to appropriate for the use of the said S. A. Powell the sum of one hundred twenty five dollars for the loss of a mule killed by a truck belonging to Russell County on January 28, 1935, near Hurtsboro, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the next session of the Legislature of Alabama, whether said session of said legislature be regular, special or extraordinary, there will be introduced for passage a Local Law to apply to Russell County, Alabama, the substance of which said Local Law shall be substantially as follows, to-wit:

A BILL
TO BE ENTITLED
AN ACT

For the relief of S. A. Powell, and to appropriate for the use of the said S. A. Powell the sum of one hundred twenty five dollars for the loss of a mule killed by a truck belonging to Russell County on January 28, 1935, near Hurtsboro, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA.

Section 1. That there is hereby appropriated the sum of one hundred twenty-five dollars out of any funds in the County depository of Russell County, not otherwise appropriated for the relief of S. A. Powell, on account of the loss of a mule, which was killed by a truck belonging to Russell County near Hurtsboro, Alabama, on January 28, 1935.

Section 2. Upon the approval of this act by the Governor, the County Commission of Russell County, shall draw a warrant on the County depository of said County for the sum of one hundred twenty-five dollars, and the County depository of said county is authorized to pay the same on presentation.

Section 3. All laws or parts of laws—either General, Local or Special in conflict with the provisions of this Act are hereby expressly repealed.

THE STATE OF ALABAMA,
RUSSELL COUNTY.

Before me I. I. Moses, a notary public, personally appeared Isabel A. Moses, Publisher of the Phenix-Girard Journal, who being duly sworn, deposes and says that the attached notice of a bill to be entitled an Act, for the relief of S. A. Powell was published for four successive weeks in the Phenix-Girard Journal, a weekly newspaper published in Phenix City, Russell County, Alabama, viz.: in the issues of November 29, December 6th, December 13th and December 20th, 1935.

ISABEL A. MOSES,
Publisher.
Sworn to and subscribed before me, this 11th day of February, 1936.
(SEAL) I. I. MOSES,
N. P.

Also:

By Mr. Welch:

H. 71. To repeal Sections 8653, 8654, 8655, 8656, 8657 and 8658 of the 1923 Code of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 94, to the Committee on Local Legislation.

H. 71, to the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has reconsidered the vote by which it adopted the amendment to:

S. J. R. 15. Relative to adjournment of the two Houses until Wednesday, February 26, 1936.

And has concurred in and adopted S. J. R. 15.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Fourth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative day approved by the Senate.

ADJOURNMENT

At 1:40 P.M., on motion of Mr. McDowell and pursuant to joint resolution heretofore adopted, the Senate adjourned until Wednesday, February 26th, 1936, at 10 A. M., without benefit of mileage.

FIFTH DAY

Wednesday, February 26th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Senator Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Fletcher
Frazer

Glover
Kelly
Kuykendall
Locke
Mooneyham
McDowell
Parrish
Riddle

Rogers (Mobile)
Russell
St. John
Simpson
Starnes
Stephens
Stoddard
Swift

Taylor
Thomas
Tucker
Walden
Walton
Weaver
Woodall

—31

JOURNAL

On motion of Mr. Mooneyham the reading the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Bonner, leave of absence was granted Mr. Wellborn for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Thomas:

S. 53. To authorize and empower the County Board of Education of Chilton County Alabama to rent offices, buildings or parts of buildings for quarters or offices to be used by said County Board of Education and the Superintendent of Education and his assistants, of said county, and to authorize the Board of Education

of Chilton County, Alabama to purchase or buy necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor services and to pay for the same out of the School funds of Chilton County, Alabama.
Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

State of Alabama, Chilton County.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the County Board of Education of Chilton County, Alabama, to rent offices, buildings, or parts of buildings for quarters or offices to be used by said County Board of Education and the Superintendent of Education and his assistants, of said county, and to authorize the Board of Education of Chilton County Alabama to purchase or buy necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor services and to pay for the same out of the School funds of Chilton County Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One. That the County Board of Education of Chilton County Alabama is hereby authorized and empowered to rent offices, buildings or parts of buildings for quarters or offices to be used by said Board of Education, the Superintendent of Education and his assistant of said County, and to buy or purchase necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor and pay for the same out of the School funds of Chilton County Alabama.

Section Two. That this Act shall go into effect immediately upon its passage and approval by the Governor.

Section Three. That all laws general, special and local which are in conflict with the provisions of this Act be and the same hereby are repealed.

C. B. COX,
Representative.

EARLE THOMAS,
Senator.

PUBLISHERS AFFIDAVIT

STATE OF ALABAMA,
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Chilton County News, a newspaper published in said county and State and that the attached "Notice of Local Bill" was pub-

lished in said newspaper for four consecutive issues, dated January 30, 1936; February 6, 1936; February 13, 1936 and February 20, 1936.

BILLY SMITH,

Publisher.

Sworn and subscribed to before me this the 25 day of February, 1935.

J. B. ATKINSON,

Notary Public.

By Mr. Thomas:

S. 54. To require the Court of County Commissioners of Chilton County, Alabama to set-aside and appropriate, after payment has been made of the liability of Chilton County, Alabama, for its share of paving the Clanton-Selma Highway in Chilton County, Alabama, such part of the funds received by Chilton County, Alabama, from the State of Alabama as Gasoline Tax as will equal its part or share of said tax to the extent of 1¢ per gallon of said gasoline tax, for the purpose of constructing and maintaining in said Chilton County, Alabama public Highway of a permanent type of paved road and to prohibit the Court of County Commissioners of Chilton County, Alabama from expending its gasoline tax received from the State of Alabama to the extent of the tax of 1¢ per gallon for any other purposes.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,
CHILTON COUNTY.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the extraordinary session of the Legislature of Alabama to be called in 1936, which Bill is in substance, as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To require the Court of County Commissioners of Chilton County, Alabama to set-aside and appropriate, after payment has been made of the liability of Chilton County, Alabama, for its share of paving the Clanton-Selma Highway in Chilton County, Alabama, such part of the funds received by Chilton County, Alabama, from the State of Alabama as Gasoline Tax as will equal its part or share of said tax to the extent of 1c per gallon of said gasoline tax, for the purpose of constructing and maintaining in said Chilton County, Alabama public Highway of a permanent type of paved road and to prohibit the Court of County Commissioners of Chilton County, Alabama from expending its gasoline tax received from the State of Alabama to the extent of the tax of 1c per gallon for any other purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE: That from and after such time when Chilton County, Alabama has fully paid such sums as it may be liable for, on account of the paving of the Clanton-Selma Highway in Chilton County, Alabama, shall be required to set-aside and appropriate from the gasoline tax received by said Chilton County from the State of Alabama, an amount equal to its share of said tax of 1c per gallon, for the purpose of constructing and maintaining, in said County public highways of a permanent type of paved road.

SECTION TWO: That the expenditure by the Court of County Commissioners of Chilton County, Alabama of the gasoline tax of said County to the extent of the amount equal to its share of said Tax of 1c per gallon, for any other purpose than provided for in this Act is hereby declared to be unlawful and is hereby prohibited.

SECTION THREE: That all laws or parts of laws in conflict herewith be, and the same are, hereby expressly repealed.

C. B. COX, •
EARLE THOMAS.

PUBLISHERS AFFIDAVIT

STATE OF ALABAMA CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published in said County and State and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated January 30, 1936; February 6, 1936; February 13, 1936 and February 20, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 25 day of February, 1936.

J. B. ATKINSON,
Notary Public.

By Mr. Starnes and Mr. Taylor:

S. 55. To provide for the construction, or purchasing, operation and maintenance of a cement plant or plants by and through a corporation to be composed of the Governor of the State of Alabama, the President of the State Board of Administration and the Chairman of the State Highway Commission, to authorize the incorporation, and to prescribe the powers and authority of such corporation and to provide for an appropriation for the erection, construction or purchase, and maintenance of said plant or plants, to enable it to accomplish the purpose of its creation, operation and maintenance.

Committee on Finance and Taxation.

By Mr. Woodall:

S. 56. To divide the State of Alabama into Judicial Circuits for the Circuit Courts to be numbered and composed of the Counties named.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walton:

S. 4. To amend an Act entitled an Act to amend Section 1255 of the Code of Alabama, 1923, approved July 22, 1931.

By Mr. Rogers (Mobile):

S. 20. To provide a lien for laundering, cleaning, pressing, and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of enforcement of such lien.

By Mr. Starnes:

S. 49. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Thomas (with notice and proof):

S. 29. To require the Court of County Commissioners, or like governing body of Chilton County, to appropriate annually out of the general fund of the County a sum not less than Three Thousand (\$3,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Chilton County Health Department for the establishment, maintenance and operation of a health department in said county.

By Mr. Thomas (with notice and proof):

S. 30. To require the Court of County Commissioners or like governing body of Chilton County Alabama to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H Club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect.

By Mr. Simpson:

S. 42. To provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama,

having a population of 300,000 or more, according to the last or any subsequent Federal census and having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

(The above bill was read a second time at length as required by the Constitution.)

By Mr. Chesnut (with notice and proof):

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

By Mr. Cox (with notice and proof):

H. 1. To require the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies, for or on behalf of Chilton County, to advertise for and obtain competitive bids for the purchase of such goods, wares, merchandise, machinery or supplies in all cases where the amount of such purchase exceeds the sum of \$150.00 and to provide for the manner of giving notice of the time and place for receiving such bids, and providing the penalty for the non-compliance with the terms of this act and to require the acceptance of the lowest and best competitive bid for any such purchase.

By Mr. Cox (with notice and proof):

H. 2. To fix and determine the amount of compensation to be paid to the Members of the Court of County Commissioners of Chil-

ton County, Alabama who are elected in the General election held in 1936 and each election thereafter and to provide the manner of the payment thereof.

By Mr. Simpson:

S. 43. To provide that in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purposes; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred, under the law to deputy sheriffs, and to further provide when this Act shall become effective.

By Mr. Cox (with notice and proof):

H. 3. To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Chilton County, Alabama; to create the office of road supervisor for said County; to provide for his election or appointment, discharge and removal; to provide for his appointment in the event the Court of County Commissioners fail to elect; to fix his qualifications and prescribed his duties, power and authority; to provide for the manner of allowance and payment of claims against the County approved by him; to fix his compensation and expenses and manner of payment; to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County, to provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provision of this Act, insofar as they apply to Chilton County, Alabama.

By Mr. Toomer:

H. 40. To authorize and empower cities of more than twenty five hundred population, according to the last Federal Census, where no city Board of Education exists, to sell and dispose of property formerly owned and used for educational purposes but which is no longer used or useful for educational purposes.

By Mr. Goodwyn:

H. 93. To amend Section 4 of the Act entitled "An Act to provide for the consolidation of the administration and control of the

public school systems in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education in lieu of all other city and county boards of Education in such counties, and provide for the manner of its selection and define its authority," Approved September 6, 1927, as heretofore amended by Acts approved March 5, 1931, July 8, 1931 and July 11, 1935," so as to confer additional powers upon the Boards of Education established by said Act and to validate purchases of property heretofore made and contracts of employment heretofore entered into and warrants heretofore issued by said Board.

Mr. Woodall, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the callendar, to-wit:

By Mr. Russell:

S. 19. To further provide for and regulate the selection of candidates for public office by political parties.

By Mr. Russell:

S. 18. To further provide and regulation the election of delegates to political party conventions.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carlton:

S. 23. To dispense with proof of agency or employment in certain cases.

By Mr. Simpson:

S. 52. To amend an Act, entitled "An Act to Promote the Objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, by adding thereto a section making loans insured under Title II of the National Housing Act eligible for deposit where securities must be, or may be deposited pursuant to any law of the State of Alabama.

By Mr. Rogers of Mobile:

S. 50. To amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor," approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate.

By Mr. Denson:

H. 39. To amend Section 6667 of the Code of Alabama of 1923, so as to provide that the Circuit Courts of the several counties of the State shall be open for the transaction of business at all times.

Also:

By Mr. Welch:

H. 70. To amend Section 4589 of the 1923 Code of Alabama. (Relates to a second or subsequent premium on insurance policies).

E. F. Taylor,
Clerk

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 39, to the Committee on Judiciary.

H. 70, to the Committee on Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Harrison:

H. J. R. 14. BE IT RESOLVED by the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet Friday, February 28th., at ten A.M.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, the Senate concurred in and adopted H. J. R. 14, set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fifth Legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the fifth Legislative day approved by the Senate.

ADJOURNMENT

At 2:30 P. M., on motion of Mr. Riddle and in accordance with joint resolution heretofore adopted, the Senate adjourned until Friday, February 28th, 1936, at 10 A. M.

SIXTH DAY

Friday, February 28th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Senator St. John, of Lawrence County.

ROLL CALL

Present:

Messrs.:			
Bonner	Glover	Riddle	Swift
Browder	Goldsmith	Rogers (Mobile)	Taylor
Carlton	Kelly	Russell	Thomas
Chesnut	Kuykendall	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Frazer	Pairish	Stoddard	Woodall

—32

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Riddle, leave of absence was granted Mr. Locke for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Fletcher:

S. 57. To authorize, require and provide for payment of the sum of Eighteen Hundred Eighty Dollars (\$1880.00) for the relief of F. H. Gilliam, former Tax Collector of Madison County, said sum being an amount paid by him to the State of Alabama on

charges made against him in a report of an examination of his office, for being delinquent 188 days in making final settlement with the State.

Committee on Finance and Taxation.

By Mr. Tucker:

S. 58. To amend Section 31 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Committee on Finance and Taxation.

By Mr. Tucker:

S. 59. To fix the minimum age at which children may enter public schools in Alabama and repeal all laws or parts of laws in conflict herewith.

Committee on Finance and Taxation.

By Mr. Tucker:

S. 60. To amend the title and Section 11 of an Act of the Legislature of Alabama of 1935, approved September 2, 1935, and entitled "An Act to establish a budget system and provide for the preparation of a budget for each County and City school system in the State; to provide that the budgeted current expenditures shall not exceed the budgeted income of each such Board of Education; to provide that the actual payments shall not exceed the budgeted payments except on approval of the County or City Board of Education and of the State Superintendent of Education; to provide that the actual payments shall not exceed the actual income plus balances except in the issuance of warrants for capital outlay purposes; to authorize County and City Boards of Education to borrow funds against the current year's revenues when necessary to pay their current expenses; to regulate and restrict borrowing for capital outlay purposes and to authorize and regulate the issuance of warrants or notes to pay debts incurred prior to July 1, 1935."

Committee on Finance and Taxation.

By Mr. Tucker:

S. 61. To amend Sections 126 and 128 of the School Code of Alabama which became effective by a Proclamation of the Governor on the first day of October, 1927, which Proclamation was issued pursuant to an Act of the Legislature of Alabama of 1927, approved August 11, 1927, and entitled: "An Act to provide for the revision, codification, digesting and promulgating of the Public Statutes of Alabama relating to education."

Committee on Finance and Taxation.

By Mr. Kuykendall:

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County

of the State a drainage district for the purpose of this Act; to provide for the establishment and development of draining subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they effect the operations of this Act.

Committee on Agriculture.

By Mr. Simpson:

S. 63. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

Committee on Revision of Laws.

By Mr. Starnes:

S. 64. To provide for the appointment by Circuit Judges of Court Bailiffs in all Circuits composed of more than one County and having two Circuit Judges and to provide for the compensation of such bailiffs.

Committee on Finance and Taxation.

By Mr. Walton:

S. 65. To regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith.

Committee on Finance and Taxation.

By Mr. Riddle:

S. 66. To authorize cities, towns and counties of Alabama, of 100,000 population and over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to Authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Committee on Municipalities.

By Mr. Rogers (Mobile):

S. 67. To amend Subdivision 21 of Section 6755 of the 1923 Code of Alabama.

Committee on Finance and Taxation.

By Mr. Rogers (Mobile):

S. 68. To amend Subdivision 21, of Section 6755 of the 1923 Code of Alabama.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 12. To repeal an act of the Legislature of Alabama of 1935 approved July 10, 1935, and entitled "An Act to provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923".

By Mr. Simpson:

S. 13. To repeal an act of the Legislature of Alabama of 1935 approved June 12, 1935, and entitled "An Act to provide for the payment of official expenses of members of the Legislature".

By Mr. Russell:

S. 47. To amend Schedule 7 of Chapter 1 of Article XIII of an Act "To Provide for the General Revenue of the State of Alabama," approved July 10, 1935.

By Mr. Harrison:

H. 19. To amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

By Mr. Harrison:

H. 20. To amend Section 31 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama".

Mr. Parrish, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a

favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly:

S. 35. To declare and fix the priority of the claims of local registrars of vital statistics in the several counties of the State.

By Mr. Kelly:

S. 36. To provide for the registration of original marriage licenses with the Bureau of Vital Statistics of the State Board of Health and license fees therefor and to provide for the issuance of certified copies thereof.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Boswell:

H. J. R. 8. Be it resolved by the House of Representatives of the State of Alabama, the Senate concurring, as follows:

1. That there be appointed a Committee composed of three members of the House to be appointed by the Speaker thereof and two members of the Senate to be appointed by its presiding officers to act for and on the behalf of this Legislature.

2. It shall be the duty of such Committee to investigate

(a) The sale of, and traffic in, liquors and beverages, the sale and possession of which are prohibited by the laws of the State of Alabama, by any organization, association, corporation or individual in and near the City of Montgomery, Alabama.

(b) All forms of lobbying with the members of this legislature, by any organization, association, corporation or individuals, their agents or employees for or against the passage of any legislation now pending before either the House or Senate.

(c) The expenditure of all public funds, and particularly, the Emergency Appropriation of \$100,000, and it shall examine into the matter of the use of official patronage and the employment by any department of the State which might have a tendency to influence the passage or defeat of any legislation now or heretofore pending before or heretofore passed by the Legislature or which might affect legislation hereafter proposed.

3. Such Committee acting for and on behalf of this legislature shall have the power and authority to summon before it and examine, any State Official or employee or any official or employee of any organization, association, corporation or individual, their agents, or employees to appear before it and to answer any questions propounded by such Committee relating to the use of funds

received or expended by it or them in any effort to foster or prevent legislation either before or since the convening of this extra session of the Legislature: It shall have the power and authority to require any such State Official or any such Organization, Association, Corporation, or Individual, Agents, or Employees to produce their books, accounts, vouchers, or other evidence of receipts and or expenditures received or expended for the purpose of or in an effort to influence or which might have a tendency to influence the vote of any member of the House or Senate upon any legislation or any bill or resolution.

4. Such committee shall record all evidence deemed by it to be relevant or material, and may make partial reports to the House and Senate of its findings from time to time as the committee deems proper; and shall make such partial reports when called upon by the Speaker of the House, or the presiding officer of the Senate; and the final report of the findings of such committee shall be made five days before the final adjournment of this extraordinary session of the Legislature.

5. The Committee shall have the authority to direct the Clerk of the House and the Secretary of the Senate to furnish necessary clerical assistance from the House and from the Senate, and to employ investigators and assistants fully to carry out the purpose of his Resolution.

6. The Committee shall have the authority to direct payment of the expenses incurred by such Committee out of any funds appropriated for the expense of this Legislature.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 8, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Walton offered the following joint resolution, which was read and referred to the Standing Committee on Rules:

S. J. R. 16. BE IT RESOLVED by the Senate of the State of Alabama, the House of Representatives concurring, that:

1. There is hereby established the Alabama Commission on Interstate Cooperation, which shall encourage and arrange conferences with officials of other states and of other units of govern-

ment; carry forward the participation of this state as a member of the Council of State Governments, both regionally and nationally; and formulate proposals for cooperation between this state and other states.

2. There is hereby established a standing Committee on Interstate Cooperation of the Senate, to consist of five Senators. The members and chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairman of other standing committees of the Senate. The Lieutenant Governor may serve as one of the five members of this committee.

3. There is hereby established a similar standing Committee on Interstate Cooperation of the House of Representatives, also to consist of five members; and the members and chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the House of Representatives.

4. The Said Commission on Interstate Cooperation shall be composed of fifteen members, namely:

The five members of the Committee on Interstate Cooperation of the Senate,

The five members of the Committee on Interstate Cooperation of the House of Representatives, and

Five officials of the state government named by the Governor, one of whom shall be designated by him as Chairman of the Commission.

The Governor shall be an honorary member of the Commission.

5. The Commission shall establish such committees as it deems advisable, to conduct conferences and to formulate proposals concerning subjects of intergovernmental cooperation. Subject to the approval of the Commission, the members of every such committee shall be appointed by the Chairman of the Commission. State officials who are not members of the Commission on Interstate Cooperation may be appointed as members of any such committee, but at least one member of the Commission shall be a member of every such committee. The Commission may provide such rules as it considers appropriate concerning the membership and the functioning of any committee which it establishes. The Commission may provide for advisory boards for itself and for its various committees, and for the service of private citizens on such boards.

6. The Commission shall report to the Governor and to the Legislature within fifteen days after the convening of each regular legislative session, and at such other times as it deems appropriate. Its members and the members of all committees which

it establishes shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under this act. The Commission may employ a secretary and a stenographer, it may incur such other expenses as may be necessary for the proper performance of its duties, and it may, by contributions to the Council of State Governments, participate with other states in maintaining the said Council's regional and central secretariats, and its other governmental services.

7. The said standing Committee of the Senate and the said standing Committee of the House of Representatives, shall function during the regular sessions of the legislature and also during the interim periods between such sessions; their members shall serve until their successors are designated; and they shall respectively constitute the Senate and House Councils of the American Legislators' Association for this state. The term of each administrative member of the Commission shall extend until the next gubernatorial inauguration and thereafter until his successor is appointed.

8. The Secretary of State shall forthwith communicate the text of this measure to the Governor, to the Senate, and to the House of Representatives of each of the other states of the Union, and memorialize each legislature which has not already done so, to enact a law similar to this measure, thus establishing a similar commission with like duties and powers, and thus joining with this State in the common cause of reducing the burdens which are imposed upon the citizens of every state by governmental confusion, competition and conflict.

9. This Joint Resolution shall take effect immediately upon its passage by the Legislature.

The Rules Committee reported the following joint resolution:

S. J. R. 17. BE IT RESOLVED by the Senate, the House concurring that when the two Houses adjourn today, they adjourn to meet again Tuesday, March 3rd, 1936, at 10 o'clock.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

Messrs. Bonner and Dorsey offered the following Senate resolution:

S. R. 18. Be it Resolved by the Senate of Alabama that the Governor of Alabama is hereby respectfully, but most earnestly, requested to call upon the Attorney General of Alabama to institute forthwith impeachment proceedings against every sheriff in Alabama who has permitted the open and flagrant violation of the prohibition laws of Alabama without having made every reasonable effort to enforce said laws.

Be It Further Resolved by the Senate that the Governor is hereby requested to cooperate in every way with the Attorney General in such proceedings, and he is particularly requested to furnish the Attorney General with such assistance as he may desire in procuring all needed evidence in such proceedings.

Which was adopted.

Yeas, 26; Nays, 5.

Yeas:

Messrs.:

Bonner	Glover	Russell	Taylor	
Browder	Mixon	St. John	Thomas	
Chesnut	Mooneyham	Simpson	Tucker	
Cook	McDowell	Starnes	Walden	
Dorsey	Parrish	Stephens	Walton	
Fletcher	Riddle	Swift	Woodall	
Frazer	Rogers (Mobile)			—26

Nays:

Messrs.:

Carlton	Kelly	Stoddard	Weaver	
Goldsmith				— 5

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate.

By Mr. Chichester:

H. 24. To amend an act entitled, "An Act to amend Section 269 of an act entitled 'An act to provide for the general revenue of the State of Alabama' approved July 10th, 1935", approved September 4th, 1935.

Also:

By Mr. McDermott:

H. 48. To provide a lien for laundering, cleaning, pressing and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Also:

By Mr. Merrill:

H. 60. To amend subsection 46 of Section 4556 of the Code of Alabama of 1923.

Also:

By Mr. Castleberry:

H. 61. To authorize and empower the Board of Revenue or

Court of County Commissioners or other governing body of each and every county in Alabama to expend an amount not to exceed one-third of the total amount that may be received by each county from the levy and collection of any tax on gasoline in the payment of any debt that may have been heretofore incurred by such county for the construction and/or maintenance of roads or bridges, and to ratify any such expenditure heretofore made.

Also:

By Mr. Calhoun:

H. 64. To amend Section 3 of Article 1 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

By Mr. Welch:

H. 66. To amend an Act entitled An Act to amend Section 5742 of the Code of Alabama of 1923, approved July 23, 1931.

Also:

By Mr. Sparks (Barbour):

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

Also:

By Mr. McDermott:

H. 103. To amend Section 3238 of the Code of Alabama of 1923 relating to appeals in habeas corpus cases.

Also:

By Mr. Davis:

H. 104. To amend section 8605 of the Code of Alabama 1923.

Also:

By Mr. Welch:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 24, 61, 64, 95 and 109, to the Committee on Finance and Taxation.

House Bills 48 and 66, to the Committee on Revision of Laws.

House Bills 60, 103 and 104, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Spence:

H. J. R. 15. WHEREAS, this legislature has heard with genuine regret and sorrow of the death of our esteemed colleague, Hon. Julian W. Hollingsworth representative from Chambers county at his home in LaFayette last night, and

WHEREAS, we held Mr. Hollingsworth in affectionate regard and appreciation for his many splendid traits of character and his high conception of duty as a public servant and private citizen, and

WHEREAS, Mr. Hollingsworth's services in the Alabama Legislatures of 1931, 1932, 1933 and 1935 were beneficial to his state and county and of the highest order of patriotism,

THEREFORE, Be It Resolved, that we dedicate a page in the journal of this House to his memory and that the Speaker be authorized to name a committee of seven the Lieutenant Governor a committee of three members to represent this body at his funeral;

BE IT FURTHER Resolved, that we extend to his family our tenderest sympathy and that a copy of these resolutions be sent them by the Clerk of the House;

Be It Further Resolved, That when this Legislature adjourns today it do so as a further mark of respect to our deceased colleague, Julian W. Hollingsworth of Chambers County.

And the Speaker of the House has appointed as committee on the part of the House Messrs. Spence, Chairman, Heflin, Denson, Toomer, Bulger, Street and Bridges.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, H. J. R. 15, set out in the foregoing Message from the House, was concurred in and adopted, and the President of the Senate appointed as a committee on part of the Senate Messrs. Walton, St. John and Cook.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Staples:

H. J. R. 16. BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING THAT:

Whereas, the Congress of the United States of America has imposed a tax upon all sales of gasoline; and

Whereas, the State of Alabama and all other several states of the United States have already imposed taxes upon such sales; and

Whereas, the federal tax on such sales is untimely and prohibitive and, coupled with the respective state taxes on such sales, places a burden upon the users of gasoline beyond that which they should carry and beyond that which the traffic can legitimately bear; and

Whereas, the taxation of sales of gasoline should properly be left to the exclusive use of the states as a means of providing funds for road construction and maintenance, now, therefore, be it

RESOLVED by the House of Representatives of the State of Alabama the Senate concurring therein, that the Congress of the United States be and it is hereby respectfully memorialized to enact with all convenient speed such legislation as may be necessary to abolish the federal gasoline sales tax and to surrender to the state exclusively the power to tax such sales in the future, and be it further

RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Clerk of the House of Representatives, the Secretary of the United States and to each member of Congress elected from the State of Alabama and that the

latter be urged to use their best offices to procure the enactment of such legislation as will accomplish the purposes of this resolution.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 16, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 17. Relative to the two Houses adjourning today, to meet again Tuesday, March 3rd, 1936, at 10 o'clock.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

LEAVES OF ABSENCE

On motion of Mr. Walton, leave of absence was granted Mr. Kuykendall for the remainder of the day.

On motion of Mr. Bonner, leave of absence was granted Mr. Wellborn for today.

BILLS ON THIRD READING

The bill:

S. 29. To require the Court of County Commissioners or like governing body of Chilton County, to appropriate annually out of the general fund of the County a sum not less than Three Thousand (\$3,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Chilton County Health Department for the establishment, maintenance and operation of a health department in said county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Swift
Browder	Glover	Rogers (Mobile)	Taylor
Carlton	Goldsmith	Russell	Thomas
Chesnut	Kelly	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	Parrish	Stoddard	Woodall

Nays:—None.

—28

The bill:

S. 30. To require the Court of County Commissioners or like governing body of Chilton County Alabama to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H Club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Swift
Browder	Glover	Rogers (Mobile)	Taylor
Carlton	Goldsmith	Russell	Thomas
Chesnut	Kelly	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	Parrish	Stoddard	Woodall

Nays:—None.

—28

The bill:

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable

out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Swift
Browder	Glover	Rogers (Mobile)	Taylor
Carlton	Goldsmith	Russell	Thomas
Chesnut	Kelly	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	Parrish	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 93. To amend Section 4 of the Act entitled "An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education in lieu of all other city and county boards of Education in such counties, and provide for the manner of its selection and define its authority," approved September 6, 1927, as heretofore amended by Acts approved March 5, 1931, July 8, 1931 and July 11, 1935" so as to confer additional powers upon the Boards of Education established by said Act and to validate purchases of property heretofore made and contracts of employment heretofore entered into and warrants heretofore issued by said Board.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Stoddard	Woodall
Frazer	Riddle	Swift	

—27

Nays:—None.

The bill:

H. 1. To require the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies, for or on behalf of Chilton County, to advertise for and obtain competitive bids for the purchase of such goods, wares, merchandise, machinery or supplies in all cases where the amount of such purchase exceeds the sum of \$150.00 and to provide for the manner of giving notice of the time and place for receiving such bids, and providing the penalty for the non-compliance with the terms of this act and to require the acceptance of the lowest and best competitive bid for any such purchase.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Swift
Browder	Glover	Rogers (Mobile)	Taylor
Carlton	Goldsmith	Russell	Thomas
Chesnut	Kelly	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	Parrish	Stoddard	Woodall

Nays:—None.

—28

The bill:

H. 2. To fix and determine the amount of compensation to be paid to the Members of the Court of County Commissioners of Chilton County, Alabama who are elected in the General election held in 1936 and each election thereafter and to provide the manner of the payment thereof.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Swift
Browder	Glover	Rogers (Mobile)	Taylor
Carlton	Goldsmith	Russell	Thomas
Chesnut	Kelly	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	Parrish	Stoddard	Woodall

Nays:—None.

—28

The bill:

H. 3. To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Chil-

ton County, Alabama; to create the office of road supervisor for said County; to provide for his election or appointment, discharge and removal; to provide for his appointment in the event the Court of County Commissioners fail to elect; to fix his qualifications and prescribed his duties, power and authority; to provide for the manner of allowance and payment of claims against the County approved by him; to fix his compensation and expenses and manner of payment; to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County, to provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provision of this Act, insofar as they apply to Chilton County, Alabama.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Swift
Browder	Glover	Rogers (Mobile)	Taylor
Carlton	Goldsmith	Russell	Thomas
Chesnut	Kelly	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	Parrish	Stoddard	Woodall

Nays:—None.

—28

The bill:

S. 4. To amend an Act entitled an Act to amend Section 1255 of the Code of Alabama, 1923, approved July 22, 1931.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Taylor
Carlton	Mixon	St. John	Thomas
Chesnut	Mooneyham	Starnes	Tucker
Cook	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Rogers (Mobile)	Swift	Woodall
Glover			

Nays:—None.

—25

The bill:

S. 49. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Simpson	Thomas
Browder	Mooneyham	Starnes	Tucker
Chesnut	McDowell	Stephens	Walden
Dorsey	Parrish	Stoddard	Walton
Fletcher	Rogers (Mobile)	Swift	Weaver
Frazer	Russell	Taylor	Woodall
Glover	St. John		

—26

Nays:—None.

The bill:

H. 40. To authorize and empower cities of more than twenty five hundred population, according to the last Federal Census, where no City Board of Education exists, to sell and dispose of property formerly owned and used for educational purposes but which is no longer used or useful for educational purposes.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Russell	Taylor
Browder	Glover	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Stoddard	Woodall
Fletcher	Rogers (Mobile)	Swift	

—27

Nays:—None.

The bill:

S. 19. To further provide for and regulate the selection of candidates for public office by political parties.

Was taken up.

Mr. Mooneyham offered the following amendment to said bill to-wit:

Amend Senate bill No. 19 by adding the following at the end of Section 1 thereof:

"Provided, however, that this Act shall only apply to political parties which cast at least 40% of the total vote in the last General Election of this State."

On motion of Mr. Russell, said amendment was laid on the table.

And said bill was then read a third time at length and passed, and was ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 3.

Yeas:

Messrs.:

Bonner	Frazer	Russell	Thomas
Browder	Glover	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	McDowell	Starnes	Walton
Cook	Parrish	Stephens	Weaver
Dorsey	Riddle	Taylor	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays:

Messrs.:

Kelly	Stoddard	Swift
-------	----------	-------

— 3

The bill:

S. 18. To further provide for and regulate the election of delegates to political party conventions.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 3.

Yeas:

Messrs.:

Bonner	Frazer	Rogers (Mobile)	Stoddard
Browder	Glover	Russell	Thomas
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Starnes	Weaver
Dorsey	Riddle	Stephens	Woodall
Fletcher			

—25

Nays: Messrs. Kelly, Parrish and Swift

— 3

The bill:

S. 52. To amend an Act, entitled "An Act to promote the objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, by adding thereto a section making loans insured under Title II of the National Housing Act eligible for deposit where securities must be, or may be, deposited pursuant to any law of the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 2.

*Yeas:**Messrs.:*

Bonner	Frazer	St. John	Taylor
Browder	Glover	Simpson	Thomas
Carlton	Mixon	Starnes	Tucker
Chesnut	Mooneyham	Stephens	Walden
Cook	McDowell	Stoddard	Weaver
Dorsey	Parrish	Swift	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays: Messrs. Kelly and Walton

— 2

SPECIAL ORDERS SET

On motion of Mr. Simpson, further consideration of the bills:

S. 42. To provide for and submit to the qualified electors of the State of Alabama at the General Election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having a population of 300,000 or more, according to the last or any subsequent Federal census and having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

S. 43. To provide that in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred, under the law to deputy sheriffs; and to further provide when this Act shall become effective.

Was postponed until the next Legislative day and said bills made Special Orders for said next Legislative day.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the sixth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the sixth Legislative day approved by the Senate.

ADJOURNMENT

At 12:45 P. M., on motion of Mr. Tucker and pursuant to joint resolution heretofore adopted, the Senate adjourned until Tuesday, March 3rd, 1936, at 10 A. M.

SEVENTH DAY

Tuesday, March 3rd, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Fletcher
Frazer

Glover
Kelly
Mixon
Mooneyham
McDowell
Parrish
Riddle
Rogers (Mobile)

Russell
St. John
Simpson
Starnes
Stephens
Stoddard
Swift

Taylor
Thomas
Tucker
Walden
Weaver
Wellborn
Woodall

—30

JOURNAL

On motion of Mr. Browder the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Wellborn (by request):

S. 69. To provide an additional method of describing subdivisions of sections of land in Alabama.

Committee on Revision of Laws.

By Mr. Simpson:

S. 70. To create the office of Director of the State Board of Administration; to provide for the appointment and term of office of said Director; to abolish the State Board of Administration of two members and transfer its powers, authority, duties, records, books, accounts and equipment to the said Director; to define the powers and duties of said Director; to fix the compensation of said

Director; and to repeal all laws in conflict herewith, including an Act of the Legislature approved January 26, 1935, entitled "An Act to define who are members of the State Board of Administration; to provide for their appointment, to define their duties, and to fix their salaries" (General Acts 1935, page 2).

Committee on Revision of Laws.

By Mr. Simpson:

S. 71. To create the office of State Tax Commissioner; to provide for the appointment and term of office of said Commissioner; to abolish the State Tax Commission of three members and transfer its powers, authority, duties, records, books, accounts and equipment to the said Commissioner; to define the powers and duties of said Commissioner; to fix the compensation of said Commissioner; and to repeal all laws in conflict herewith, including an Act of the Legislature approved January 30, 1935, entitled "An Act to create a State Tax Commission of three members; to provide for their appointment, to define their duties and powers, and to fix their salaries," (General Acts 1935 page 30).

Committee on Finance and Taxation.

By Mr. Simpson:

S. 72. To create the office of State Highway Commissioner; to provide for the appointment and term of office of said Commissioner; to abolish the State Highway Commission of three members and transfer its powers, authority, duties, records, books, accounts and equipment to said Commissioner; to define the powers and duties of said Commissioner; to provide for the bonding of said Commissioner; to fix the compensation of said Commissioner; and to repeal all laws in conflict herewith, including an Act of the Legislature approved January 24, 1935, entitled "An Act to create a Highway Commission of three; to provide for their appointment, prescribe their duties and fix their salaries" (General Acts 1935, page 1).

Committee on Revision of Laws.

By Mr. Simpson:

S. 73. To provide for the payment to the Sheriff of the several Counties of the State out of the State Treasury certain fees for service in the feeding of prisoners, and to repeal an Act of the Legislature approved July 10, 1935, entitled "An Act to provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923." (General Acts 1935, page 595).

Committee on Finance and Taxation.

By Mr. Simpson:

S. 74. To provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Simpson:

S. 75. To create and establish a state adult probation department and a state probation commission, together with branches thereof and to describe the rights powers and duties of said department and said commission and its branches; to provide for the appointment and term of office of its officers and fix the powers duties thereof; to fix the salaries and compensation of the officials and employees of said department and commission and to provide for the expenses thereof; to provide regulations establishing the eligibility of cases for probation; to provide regulations for those placed on probation and to establish conditions upon which probation may be revoked, modified, extended or cancelled; to provide for the suspension of sentence by the criminal courts of this state, having original jurisdiction in criminal cases and to authorize such courts to remit such part of the punishment imposed on those convicted in criminal cases and to further provide when this act shall become effective.

Committee on Finance & Taxation.

By Mr. McDowell:

S. 76. To further provide for annual, partial or final settlements by Administrators, Executors, Guardians and Trustees, to authorize the court having jurisdiction of any such settlements to fix, determine and allow upon such settlements the fees or compensation of such Administrators, Executors, Guardians or Trustees and to fix and allow compensation to be paid from any estate

to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

Committee on Revision of Laws.

By Mr. Stoddard:

S. 77. To authorize and empower the governing bodies of all the Counties in this State, which are now collecting or may hereafter collect as much as \$15,000.00 per year from any road or bridge tax of one-fourth of one per centum levied under Section 215 of the present Constitution of Alabama, to transfer and assign, sell or pledge not more than 33 1/3 per cent per annum of the County's part of the gasoline taxes now or hereafter levied by the State of Alabama, and divided among the sixty-seven Counties of this State for a period not exceeding twenty (20) years, and to authorize the issuance and sale of warrants, securities, debentures or assignments of securities or assignments out of such County's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair, surfacing, or re-surfacing of roads and bridges, and the matching of funds with the State of Alabama or the United States of America, for highway and bridge purposes; and to further provide for authority by the counties for the deposit of such proceeds with the State of Alabama for highway and bridge purposes. To further authorize and empower the governing bodies of all Counties in this State, which are now collecting or may hereafter collect as much as Forty Thousand (\$40,000.00) Dollars per year from any road or bridge tax of one-fourth of one per centum levied under Section 215 of the present Constitution of Alabama, to transfer and assign, sell or pledge not more than fifty per centum of the County's part of the gasoline Taxes now or hereafter levied by the State of Alabama, and divided among the sixty-seven Counties of this State, for a period of not exceeding twenty (20) years and to authorize the issuance and sale of warrants, securities, debentures or assignments of said taxes, and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair, surfacing, or re-surfacing of roads and bridges, and the matching of funds with the State of Alabama or the United States of America, for highway and bridge purposes; and to further provide for authority by the counties for the deposit of such proceeds with the State of Alabama for highway or bridge purposes.

Committee on Local Legislation.

By Mr. Dorsey:

S. 78. To make it unlawful for any public officer of the State of Alabama at the time he is holding such office to be an officer, agent or employee of any institution owned or controlled by the

State or which is supported in whole or in part by State funds, and to fix punishment for violation of this Act.

Committee on Constitution and Constitutional Revision and Amendments.

By Mr. Dorsey:

S. 79. To provide for the consolidation of the administration and control of the public school systems in each and every County in the State of Alabama; to establish a board of education in each and every County in the State of Alabama, in lieu of all other City and County Boards in said Counties, and to provide the manner of its selection and to define its authority.

Committee on Education.

By Mr. Dorsey:

S. 80. To legalize the sale of spirituous, alcoholic, vinous, and malt liquors, in the State of Alabama; and to repeal conflicting laws.

Committee on Temperance.

By Mr. Rogers (Mobile):

S. 81. To amend an Act approved September 13, 1935, entitled 'An Act to amend Section 28 of an Act entitled "An Act to create a pilotage commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage, and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act; and to repeal all laws in conflict therewith," approved March 4, 1931'".

Committee on Seaports.

By Mr. Stephens:

S. 82. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize

reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, page 950).

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 1. To require the Court of County Commissioners of Chilton County, Alabama, before making any purchase of goods, wares, merchandise, machinery or supplies, for or on behalf of Chilton County, to advertise for and obtain competitive bids for the purchase of such goods, wares, merchandise, machinery or supplies in all cases where the amount of such purchase exceeds the sum of \$150.00 and to provide for the manner of giving notice of the time and place for receiving such bids, and providing the penalty for the non-compliance with the terms of this act and to require the acceptance of the lowest and best competitive bid for any such purchase.

Also:

H. 2. To fix and determine the amount of compensation to be paid to the Members of the Court of County Commissioners of Chilton County, Alabama who are elected in the General election held in 1936 and each election thereafter and to provide the manner of the payment thereof.

Also:

H. 3. To further provide for the control, making maintenance, building and improvement of the public roads and bridges of Chilton County, Alabama; to create the office of road supervisor for said County; to provide for his election or appointment, discharge and removal; to provide for his appointment in the event the Court of County Commissioners fail to elect; to fix his qualifications and prescribed his duties, power and authority; to provide for the manner of allowance and payment of claims against the County approved by him; to fix his compensation and expenses and manner of payment; to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County,

to provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provision of this Act, insofar as they apply to Chilton County, Alabama.

Also:

H. 40. To authorize and empower cities of more than twenty five hundred population, according to the last Federal Census, where no City Board of Education exists, to sell and dispose of property formerly owned and used for educational purposes but which is no longer used or useful for educational purposes.

Also:

H. 93. To Amend Section 4 of the Act entitled "An Act to provide for the consolidation of the Administration and control of the public school systems in any county of not less than seventy five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education in lieu of all other city and county boards of Education in such counties, and provide for the manner of its selection and define its authority," Approved September 6, 1927, as heretofore amended by Acts approved March 5, 1931, July 8, 1931 and July 11, 1935," so as to confer additional powers upon the Boards of Education established by said Act and to validate purchases of property heretofore made and contracts of employment heretofore entered into and warrants heretofore issued by said Board.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

RESOLUTIONS

The Rules Committee reported the following Senate joint resolution.

S. J. R. 19. Be It Resolved by the Senate, the House concurring, that when the two houses adjourn today they adjourn to

meet again at 10:00 o'clock A.M. Thursday, March 5, 1936.
Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. McDermott:

H. 102. To provide that all fines and forfeitures collected through recorder courts in all cities in this state now having or which may hereafter have a population of not less than 68,000 nor more than 150,000 inhabitants, according to the last or any subsequent Federal census, shall be received and kept by such cities in a separate fund and used exclusively toward increasing the salaries and compensation of the policemen and firemen and police and fire department personnels of such cities whose individual monthly salary or compensation does not exceed One Hundred Dollars per month; to fix and provide the time when and the manner in which such monies shall be disbursed; to fix and provide the basis of determining those entitled to share in said funds, and fixing their minimum regular salaries; to prohibit any reduction of regular salaries in carrying this Act into effect; making any violation of any provision of this Act a misdemeanor; providing a saving clause; and repealing all laws in conflict herewith.

Also:

By Mr. Norman (Bullock):

H. 105. To authorize the Court of County Commissioners of Bullock County, Alabama, to replace in the Fine and Forfeiture Fund of said county, by transfer from the General Fund of said county to the Fine and Forfeiture Fund of said county, such sums of money as have been heretofore transferred from said Fine and Forfeiture Fund to the General Fund of said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LAW

In accordance with Section 106 of the Constitution of Alabama, notice is hereby given that the following proposed Local Act, pertaining to Bullock County will be introduced in the Legislature of Alabama, during the present session thereof:

A BILL TO BE ENTITLED AN ACT

To authorize the Court of County Commissioners of Bullock County, Alabama, to replace in the Fine and Forfeiture Fund of said county, by

transfer from the General Fund of said county to the Fine and Forfeiture Fund of said county, such sums of money as have been heretofore transferred from said Fine and Forfeiture Fund to the General Fund of said county.

Bt it Enacted by the Legislature of Alabama:

Section I. The Court of County Commissioners of Bullock County, Alabama, shall, from time to time, whenever in the discretion of said Court, the condition of the General Fund will permit, replace in the Fine and Forfeiture Fund of said county, by transfer from the General Fund of said county to the Fine and Forfeiture Fund, such sums of money as have heretofore been transferred, under authority of Section 304 of the Code of 1923, from said Fine and Forfeiture Fund to the General Fund. Provided that the sums so replaced in the Fine and Forfeiture Fund shall not exceed one thousand dollars during the first twelve months after the passage of this act, or five hundred dollars during any subsequent twelve months.

State of Alabama, Bullock County.

Before me, W. E. McNair, Judge of Probate, in and for said state and county, personally appeared C. D. Norman, Publisher of The Union Springs Herald, a newspaper published at Union Springs, Bullock County, Alabama, who being duly sworn, deposes and says that the Notice of a Proposed Local Act for Bullock County, Alabama, a copy of which is attached hereto, was published in said newspaper for four consecutive weeks, in its issues of August 1, August 8, August 15, and August 22, 1935.

C. D. NORMAN, Publisher.

Sworn to and subscribed before me this 18th day of February, 1936.

W. E. McNair,
Judge of Probate.

Also:

By Mr. Hendley:

H. 130. To provide that all persons in Covington County Alabama be relieved from all legal obligations to work on the public roads or to pay any money in lieu of such obligation to work on the public roads in said county, and to prohibit the levy and collection of a per capita road tax in said County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at a Special Session of the Legislature of Alabama called to meet in 1936, a bill will be introduced providing that all persons in Covington county, Ala., will be exempted from public road duty or the paying of a road tax in lieu thereof.

This bill to go into effect immediately upon its approval by the Governor.

W. H. WILLIAMS.

STATE OF ALABAMA COVINGTON COUNTY

Before the undersigned authority personally appeared Joe Jones, known to me to be the publisher of The Covington News, a newspaper published in Covington County, Alabama, and who being first duly sworn, says that

the attached notices were published in said newspaper in the issues of Jan. 30th, Feb. 6th, 13th and 20th, 1936.

(Signed)

JOE JONES,

Publisher The Covington News.

Sworn to and subscriber before me, this the 20th day of February, 1936.

(Seal)

(Signed)

GEO. H. PROCTOR,

Notary Public.

My Commission expires Feb. 11, 1940.

Also:

By Mr. Goolsby:

H. 120. To require the Court of County Commissioners of Escambia County, Alabama, to levy a special tax of one-twentieth of One per cent, on all taxable property in said county as assessed for state taxation for the tax year commencing October 1st, 1935, and subsequent years, to be used for Public Health Work in Escambia County; to provide that the total levy in any one year shall not exceed one-half of one per cent, exclusive of levies for public buildings or bridges; to fix said special tax of one-twentieth of one per cent. assessed for public health work as Escambia County's contribution to the budget of the Escambia County Health Department; and to provide to whom said special tax shall be paid, and how the same shall be disbursed.

With notice and proof thereto attached and herewith exhibited as follows:

PUBLIC NOTICE

Notice is hereby given that application will be made to the next session of the Legislature of Alabama, for the passage of a local Act to require the Court of County Commissioners of Escambia County, Alabama, to levy a special tax of one-twentieth of one per cent on all taxable property in said county as assessed for state taxation for the tax year commencing October 1, 1935, and subsequent years, to be used for Public Health work in Escambia County; to provide that the total levy in any one year shall not exceed one-half of one per cent., exclusive of levies for public buildings or bridges; to fix said special tax of one-twentieth of one per cent assessed for public health work as Escambia County's contribution to the budget of the Escambia County Health Department; and to provide to whom said special tax shall be paid, and how the same shall be disbursed.

This notice is being published for four consecutive weeks in The Atmore Advance and without expense to the said Escambia County.

J. B. GOOLSBY.

STATE OF ALABAMA ESCAMBIA COUNTY.

Personally appeared before the undersigned, a Notary Public within and for said County and State, Chas. W. Smith, Publisher of The Atmore Advance, a newspaper published at Atmore, County of Escambia, State of Alabama, who being duly sworn, states on oath that the advertisement a copy of which is hereto annexed, captioned "Public Notice" was published in said

newspaper in its issues of the following dates: Jan. 23, 1936, Jan. 30, 1936, Feb. 6, 1936, Feb. 13, 1936.

CHAS. W. SMITH,
Publisher.

Subscribed and sworn to before me this 17th day of Feb. 1936.

(SEAL) MABRY COLLINS,
Notary Public.

My Commission expires 23rd, May, 1938.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committee as follows:

House bills 102, 105, 130 and 120, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Welch:

H. 83. To regulate and fix rules in regard to motions for new trials in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to fix, declare and keep such courts in such counties always open for the filing of, presenting and calling to the attention of the court, continuing, hearing and deciding motions for new trials; and to fix the time within which motions for new trials may be filed, presented and called to the attention of the court, continued, etc., in such courts in such counties.

Also:

By Mr. Todd:

H. 123. To amend an act entitled "An Act to amend Sections II, III, V, and VI of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties;

and to provide a penalty for the violation of the provisions hereof,' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

Also:

By Mr. Castleberry:

H. 143. To abolish the fine and forfeiture fund of Conecuh County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Conecuh County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said Claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following local bill in substance will be introduced at the next special session of the Legislature of Alabama.

A BILL

TO BE ENTITLED

AN ACT

To abolish the fine and forfeiture fund of Conecuh County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Conecuh County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said Claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1: That the fine and forfeiture fund of Conecuh County is hereby abolished.

Section 2. That it shall be the duty of the County Depository or the County Treasurer of said County to transfer any and all moneys now on hand in the fine and forfeiture fund of said County to the general fund of said County, and hereafter all moneys which under existing laws, or laws hereafter enacted, are payable into the fine and forfeiture fund of Conecuh County, shall, from and after the passage of this act, be paid into the general fund of said County.

Section 3: That after the trial or continuance of any case in the Circuit Court or in the County Court of Conecuh County, or upon discharge by the Court, of any witnesses summoned and appearing on behalf of the State, and upon the discharge of any witness called before any session of the grand jury of said County, the clerk of the court or the foreman of the grand jury shall issue to him a certificate showing the total amount due to said witness for attendance, mileage and ferriage as provided by the general laws of the State of Alabama now in force or as may be hereafter amended. The foreman of the grand jury shall be furnished with a book of such certificates of attendance, numerically arranged, and so prepared that an exact carbon copy of each witness certificate issued shall appear in said book, and when the grand jury is discharged, the foreman shall deliver to the clerk of the Circuit Court said duplicate witness certificates and the clerk of said Court shall thereupon certify to the County Depository or County Treasurer a list of all such certificates issued, showing the names of the persons to whom issued and the amount due on each such witness certificate, and the number of same.

Section 4: That it is hereby made the duty of the County Depository or the County Treasurer, if there should be such officer, to pay each witness certificate whether issued by the clerk of the Circuit Court, the Clerk of the County Court, or the foreman of the grand jury, on its presentation by the owner thereof, and to take up and cancel each one as it is paid, and also to mark same paid.

Section 5: All claims or witness certificates as above set out shall be preferred claims against the County, and shall have the same priority as is now provided by law for expenses of Courts and claims of grand and petit jurors. The County Treasurer or County Depository is hereby authorized and directed before each term of said Circuit Court and said County Court to retain out of the general funds of said County an amount sufficient to pay said witness certificates herein provided for.

Section 6: Whenever the cost in any criminal case in said Courts is imposed on the defendant or prosecutor, the fees of the witnesses for the State, both before the grand jury and upon the trial, shall be taxed against him as is now provided by law, and when said witness fees are so collected, they shall be paid by the officers collecting same into the County Depository or County Treasurer and be especially deposited to the preferred claim fund or classification from which the payment of witness certificates herein above set out are to be paid.

Section 7: That the fees of the clerk of the Circuit Court, Clerk of the County Court, and Sheriff of said County in cases where the State fails to convict, or where a nolle prosequi is entered, or where the case is abated by the death of the defendant, or where an indictment is withdrawn and filed, or where execution is returned "no property found", shall be paid out of the general fund of said County when audited and allowed by the Board of Revenue, and shall be preferred claims against such fund with the same priority of payment as is now provided by general law for payment of compensation to the sheriff and clerks of the Circuit Court.

Section 8: That the County Depository or the County Treasurer shall keep a separate book for the registration of all witness certificates and claims of officers which would otherwise be payable from the fine and forfeiture fund for the purpose of registering the aforesaid claims and shall immediately transfer to said book all such claims now registered against the fine and forfeiture fund, preserving the same priorities that said claims now enjoy.

Section 9: If at any time there should not be sufficient funds in the County Depository of the County Treasurer for the payment of the witness

certificates and claims herein provided to be paid, over and above the amount necessary to pay preferred claims of prior rank, the County Depository or the County Treasurer shall pay off said certificates and claims in the order in which they shall be registered by the holders thereof.

Section 10: That all claims, script and certificates issued to witnesses summoned on behalf of the State before the grand jury or before the Circuit Court or County Court of Conecuh County, Alabama, and all such claims, script and certificates issued to the sheriff of said County and the clerks of the Circuit Court and County Court of said County, be and the same hereby are, ratified and made legal, and the County Depository or County Treasurer, is hereby authorized, empowered, and directed to permit the registration of same and to pay the same in the regular order of like claims against the County. Such claims, script and certificates shall not be subject to barter and sale, but shall be registered in the name of and payable only to the person to whom issued.

Section 11: Be it further enacted that if any section or provision of this Act shall be declared unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision herein which is not in and of itself unconstitutional.

Section 12: That all laws and parts of laws in conflict with the provisions of this act be, and they hereby are, repealed; this Act shall go into effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA, CONECUH COUNTY

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 30th, day of Jan. 1936, and ending on the 20th day of Feb. 1936.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 25 day of Feby. 1936.

W. C. LESTER,
Notary Public.

Also:

By Mr. Castleberry:

H. 144. To provide for the relief of J. R. Kelley, and to authorize the Board of Education of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following local bill in substance will be introduced at the next special session of the Legislature of Alabama.

A BILL
TO BE ENTITLED
AN ACT

To provide for the relief of J. R. Kelley, and to authorize the Board of Education of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1.—That the Board of Education of Conecuh County, Alabama, is hereby authorized, in its discretion, to audit, allow and pass an account in favor of J. R. Kelley of Evergreen, Alabama, in the sum of \$512.82, for refund of commissions earned by the said J. R. Kelley, as Tax Collector of Conecuh County, Alabama, but which were paid in to the school funds of said County by order of State Examiners by way of a penalty for the failure of the said J. R. Kelley to make prompt settlement as Tax Collector of said County.

Section 2.—That upon the approval of said claim by the Board of Education of said County, the said amount shall be paid to the said J. R. Kelley, by the Treasurer of School Funds of Conecuh County, in such manner as may be ordered by said Board of Education.

Section 3.—That this act shall go into effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA,
CONECUH COUNTY.

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman, who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 30th day of Jan. 1936, and ending on the 20th day of Feb. 1936.

R. G. BOZEMAN,

Publisher.

Sworn to and subscribed before me this the 25th day of Feb. 1936.

C. R. JAMES,

Notary Public.

Also:

By Mr. Castleberry:

H. 146. To provide for the relief of J. R. Kelly, and to authorize the Board of Revenue of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following local bill in substance will be introduced at the next special session of the Legislature of Alabama.

A BILL
TO BE ENTITLED
AN ACT

To provide for the relief of J. R. Kelley, and to authorize the Board of Revenue of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1.—That the Board of Revenue of Conecuh County, Alabama, is hereby authorized, in its discretion, to audit, allow and pass an account in favor of J. R. Kelley of Evergreen, Alabama, in the sum of \$217.49, for refund of commissions earned by said J. R. Kelley as Tax Collector of Conecuh County, Alabama, but which were paid over to the County by order of State Examiners by way of a penalty for the failure of the said J. R. Kelley to make prompt settlement as Tax Collector of said County.

Section 2.—That the Chairman of the Board of Revenue or other authorized officer be and is hereby authorized after the allowance of said account to draw the proper voucher or warrant on the treasurer or depository of said County of Conecuh in the sum of \$217.49 in favor of said J. R. Kelley, and the said treasurer or depository is hereby authorized on said voucher or warrant to pay the same out of the general funds of said County.

Section 3.—That this act shall go into effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA,
CONECUH COUNTY.

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 30th day of Jan. 1936, and ending on the 20th day of Feb. 1936.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 25th day of Feb. 1936.

C. R. JAMES,
Notary Public.

Also:

By Mr. Waldrep:

H. 152. To authorize and empower the Court of County Revenue of Franklin County, Alabama, to apply to, and expend on State and or State and Federal aid highways, within said County in said State, any part or all of the funds of said County derived from the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to said County in the construction or repair of said highways, in connection with other funds contributed or expended by the State of Alabama and or the Federal Government, or otherwise, and to authorize and empower the said Court of County Revenue of said County to enter into contracts for said construction or repair of said highways with the State of Alabama and or the Federal Government. Also to authorize and empower the Court of County Revenue of said Franklin County to borrow money for the purpose of constructing or repairing State and or State and Federal highways within said County and to pledge as security therefor, any or all of the said excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be

levied and collected by the State of Alabama, and paid to said Franklin County as security for said loan or loans, and to provide for the issuance of interest bearing warrants to secure and liquidate said loans; provided however, that \$9,960.00 per year of said excise tax shall not be affected by this Act, but shall be applied on bonded indebtedness of the County as provided by a Local Act for said County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA, FRANKLIN COUNTY.

Please take notice that at the approaching special session of the Legislature of Alabama, I will introduce and pass a Local Bill for Franklin County, in words and figures as follows:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the Court of County Revenue of Franklin County, Alabama, to apply to, and expend on State and or State and Federal aid highways, within said County in said State, any part or all of the funds of said County derived from the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to said County in the construction or repair of said highways, in connection with other funds contributed or expended by the State of Alabama and or the Federal Government, or otherwise, and to authorize and empower the said Court of County Revenue of said County to enter into contracts for said construction or repair of said highways with the State of Alabama and or the Federal Government. Also to authorize and empower the Court of County Revenue of said Franklin County to borrow money for the purpose of constructing or repairing State and or State and Federal highways within said County and to pledge as security therefor, any or all of the said excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama, and paid to said Franklin County as security for said loan or loans, and to provide for the issuance of interest bearing warrants to secure and liquidate said loans; provided however, that \$10,000.00 per year of said excise tax shall not be affected by this Act but shall be applied on bonded indebtedness of the County as provided by a Local Act for said County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Court of County Revenue of Franklin County, Alabama, be, and said Court is, hereby authorized and empowered to apply and expend any or all of the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to the said Franklin County in construction or repair of State and or State and Federal highways within said County, and said expenditure of said funds by said Court, may be made in connection with funds being expended on said highways by the State of Alabama and or the Federal Government; and said Court of County Revenue of said Franklin County is hereby authorized and empowered to enter into contracts with the State of Alabama and or the Federal Government for the construction or repair of said highways within said County of Franklin.

Section 2. The Court of County Revenue of Franklin County is hereby authorized and empowered to borrow money for the purposes enumerated in Section One of this Act and to pledge, as security, for such loan or loans all or any part of the future monthly installments of said excise tax coming to said County of Franklin as now or hereafter provided by law and said Court is hereby authorized and empowered to issue interest bearing warrants against said anticipated excise tax funds and deliver the same to the person, firm or corporation from whom said loans are obtained. Said warrants shall become due one each calendar month and on the 15th day thereof, and each warrant shall be paid out of said excise tax funds received by said County during said month. Said warrants, when issued, shall be registered on the books of the County Treasurer or other designated custodian of county funds, and said County Treasurer or other custodian of county funds shall set aside, out of each month's excise tax, when paid to him, a sufficient amount of said excise tax fund to pay said warrant coming due in said month, until all of said warrants, with interest, are paid and retired. The due date of no warrant shall be more than four years from the date of issue. Said warrants shall be authorized by the Court of County Revenue, and issued and signed by the Judge of Probate of said Franklin County, Alabama.

Section 3. Loans provided for in this Act may be obtained from more than one person, firm or corporation and if more than one loan is obtained, each loan shall be secured and paid by the issuance of series of interest bearing warrants as provided for in Section Two, hereof.

Section 4. Nothing in this Act however, shall apply to or affect the \$10,000.00 per year of said excise tax set apart by a Local Act for Franklin County to be applied on bonded indebtedness.

Section 5. All laws, both general, special or local in conflict with the provisions of this Act, be, and the same are, hereby repealed, and this Act shall take effect immediately on its passage and approval by the Governor.

EUGENE E. WALDREP,
Representative Franklin County.

STATE OF ALABAMA, FRANKLIN COUNTY.

Before me Angie Logan Thompson, a Notary Public in and for said County, in said State, came M. S. Hansbrough, who being duly sworn, states and says as follows:

I am the Editor of the Franklin County Times, a weekly newspaper of general circulation, published in the City of Russellville, County of Franklin and State of Alabama. The notice of intention to introduce and pass the bill, a copy of which is attached hereto, and made a part hereof, was duly published in said newspaper in four successive issues, said issues being dated Jan., 16, 1936; Jan., 23, 1936; Jan., 30, 1936; Feb., 6, 1936.

M. S. Hansbrough,
Sworn to and subscribed before me on this the 13th. day of February, 1936.

Angie Logan Thompson,
Notary Public.

Also:

By Mr. Waldrep:

H. 153. To amend an act entitled An Act: "To require twenty per cent of the total funds received by Franklin County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the \$227,000.00 in bonds of said county,

requiring the County Treasurer of said County to set aside said fund for said purpose; authorizing the Commissioners Court or Board of Revenue of said County to purchase and retire before maturity said bonds or any portion thereof, with said fund; providing that on final payment and retirement of said bonds, all such funds received by said County from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect. Approved by the Governor on June 6th, 1935, so as to make said Act read as follows: An Act to require the Treasurer or other legal custodian of the funds of Franklin County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels, collected by the State of Alabama and paid to the County of Franklin usually known as the gasoline tax, the sum of \$9,960.00 per year as a sinking fund, for the retirement of the \$227,000.00 of outstanding road bonds against said County; to provide the manner of setting aside the same and requiring the Court of County Commissioners to use said sinking fund in the purchase and retirement of said bonds, and providing the time when this Act shall take effect.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA, FRANKLIN COUNTY.

Notice is hereby given that at the approaching special session, of the Legislature of Alabama, the following Bill will be introduced, which bill reads in words and figures as follows:

A BILL TO BE ENTITLED AN ACT

To amend an act entitled An Act: "To require twenty per cent of the total funds received by Franklin County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the \$227,000.00 in bonds of said county, requiring the County reasurer of said County to set aside said fund for said purpose; authorizing the Commissioners Court or Board of Revenue of said County to purchase and retire before maturity said bonds or any portion thereof, with said fund; providing that on final payment and retirement of said bonds, all such funds received by said County from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect. Approved by the Governor on June 6th, 1935, so as to make said Act read as follows:

AN ACT

To require the Treasurer or other legal custodian of the funds of Franklin County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels, collected by the State of Alabama and paid to the County of Franklin usually known as the gasoline tax, the sum of \$9,960.00 per year as a sinking fund, for the retirement of the \$227,000.00 of outstanding road bonds against said County; to provide the manner of setting aside the same and requiring the Court or County Commissioners to use said sinking fund in the purchase and retirement of said bonds, and providing the time when this Act shall take effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA

Section 1. That the County Treasurer or legal custodian of the funds of Franklin County is hereby required to set aside as a sinking fund for the retirement of the \$227,000.00 of outstanding road bonds of said County out of the excise taxes on gasoline or other liquid motor fuels, the sum of \$9,960.00 per year. On the receipt of said excise tax, by said County Treasurer or other legal custodian of the funds of said County, said Treasurer or other legal custodian shall set apart, each month, the sum of \$830.00 and the same shall be kept as a separate fund to be paid out in the retirement of said bonds, as hereinafter provided.

Section 2. The Court of County Revenue of Franklin County, Alabama, shall, from time to time, as said fund may justify, direct the purchase and retirement, before maturity of said bonds or any portion thereof with said funds, the warrant to be drawn against said fund on order of said Court and issued and signed by the Judge of Probate of said County.

Section 3. That upon the final payment and retirement of said bonds or any refunding bonds issued by the county to refund said bonded indebtedness, the said Treasury or other legal custodian of the funds of the County shall no longer set aside said retirement fund, and all of said excise taxes aforesaid, shall be applied and expended in the manner now, or which may, hereafter be provided by law.

Section 4. The provisions of this Act shall take effect on July 1st., 1936 and all laws and parts of laws, general, special or local in conflict herewith, be, and the same are repealed, when this Act shall take effect.

EUGENE E. WALDREP,
Representative Franklin County.

STATE OF ALABAMA,
FRANKLIN COUNTY.

Before me, Angie Logan Thompson, a Notary Public in and for said County, in said State, came M. S. Hansbrough, who being duly sworn, states and says as follows:

I am the Editor of the Franklin County Times, a weekly newspaper of general circulation, published in the City of Russellville, County of Franklin and State of Alabama. The notice of intention to introduce and pass the bill, a copy of which is attached hereto, and made a part hereof, was duly published in said newspaper in four successive issues, said issues being dated January 23, 1936; January 30, 1936; February 6, 1936; February 13, 1936.

M. S. Hansbrough.

Sworn to and subscribed before me on this the 13th. day of February, 1936.

Angie Logan Thompson,
Notary Public.

Also:

By Mr. Waldrep:

H. 154. To authorize the payment of the per diem and mileage of the members of the Court of County Revenue of Franklin County, Alabama, out of the excise gas tax of the county, when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in the county.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA, FRANKLIN COUNTY.

Please take notice that at the approaching special session of the Legislature of Alabama, I will introduce and pass a Local Bill for Franklin County, in words and figures as follows:

A BILL TO BE ENTITLED AN ACT

To authorize the payment of the per diem and mileage of the members of the Court of County Revenue of Franklin County, Alabama, out of the excise gas tax of the county, when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in the county.

BE IT ENACTED BY THE LEGISLATURE

Section 1. The Court of County Revenue of Franklin County, Alabama, be, and said Court is, hereby authorized and empowered to pay the per diem and mileage of the members of said Court, as provided for in Section 6771 of the Code of Alabama, out of the excise gas tax fund of the County, while engaged in inspecting, accepting, building, repairing or maintaining any of the public bridges or highways of the County.

Section 2. Nothing herein shall prevent the Court of County Revenue however, from paying the members of said court out of the General Funds of the County if said Court sees fit, so to do.

Section 3. The members of the Court of County Revenue of Franklin County shall keep separately their per diem and mileage when engaged in public road work as stated in Section One hereof, and shall submit the same to said Court separate from services otherwise performed for the County.

Section 4. All laws and parts of laws, general, special and local in conflict with the provisions of this Act be, and the same are, hereby repealed.

EUGENE E. WALDREP,
Representative Franklin County.

STATE OF ALABAMA, FRANKLIN COUNTY.

Before me, Angie Logan Thompson, a Notary Public in and for said County, in said State, came M. S. Hansbrough, who being duly sworn, states and says as follows:

I am the Editor of the Franklin County Times, a weekly newspaper of general circulation, published in the City of Russellville, County of Franklin and State of Alabama. The notice of intention to introduce and pass the bill, a copy of which is attached hereto, and made a part hereof, was duly

published in said newspaper in four successive issues, said issues being dated Jan., 16, 1936; Jan., 23, 1936; Jan., 30, 1936; Feb., 6, 1936.

M. S. Hansbrough.

Sworn to and subscribed before me on this the 13th. day of February, 1936.

Angie Logan Thompson,
Notary Public.

Also:

By Mr. Byars:

H. 159. To provide that certain officers of Lawrence County shall each receive an increase in pay as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars (\$3.00) per day for services rendered to be paid from the gas tax fund and the sheriff shall receive Fifty Dollars (\$50.00) per month for gas, oil and car upkeep expenses to be paid from the gas tax fund and to provide if it is illegal to pay these amounts to any of them from the gas tax fund they shall be paid from the general fund or any other unexpended county funds.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the coming special session of the legislature I will introduce a bill or bills to provide that the members of the Board of Revenue shall receive an increase of one dollar per day for services rendered the county, to be paid from the gas tax fund and to provide that fifty dollars a month be paid by Lawrence County to the sheriff for gas, oil and car upkeep expenses, to be paid from the gas tax fund. In the event that it is illegal to pay these amounts or any of them from the gas tax fund they shall be paid from the general fund or any other unexpended county funds.

J. D. L. Byars.

Moulton, Ala., Feb. 17, 1936.

The State of Alabama,
Lawrence County.

Before me R. C. Jackson, a Notary public in and for said state and county, on this day personally appeared J. C. Hodgins, who being sworn in due form of law says, that he is Editor of The Moulton Advertiser, a weekly news paper published in Moulton, Lawrence County, Alabama, and as such Editor he published in said newspaper the attached notice for 3 consecutive weeks beginning Jan. 30., 1936, and ending February 13, 1936, as required by law.

J. C. Hodgins,
Editor.

Sworn to and subscribed before me this the 17th. day of February, 1936.

R. C. Jackson,
Notary Public.

Also:

By Mr. McDermott:

H 160. To provide for an additional allowance for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, and to provide for the payment of said allowance.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Mobile, Alabama, January 30th, 1936. Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL

TO BE ENTITLED

"An Act to provide for an additional allowance for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, and to provide for the payment of said allowance.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby allowed, in addition to all allowances now provided by law, for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, the sum of one hundred and fifty dollars per month, to be paid in monthly installments out of the county treasury, out of the general fund of Mobile County, Alabama, by the county treasurer, upon the certificate or certificates of said Register, to the person or persons who said Register may employ, and for the amount or amounts named in said certificate or certificates.

Section 2. This Act shall take effect upon its approval by the Governor."

STATE OF ALABAMA, MOBILE COUNTY.

Before me, D. E. Kern, a Notary Public in and for said County, personally appeared Wm. M. Curran, who being first duly sworn, deposes and says that he is the Auditor of the Mobile Register, a newspaper published daily in Mobile County, Alabama, and that the notice of publication of a local bill to be introduced in the Legislature of Alabama, a copy of which is attached hereto, was published in said newspaper for four consecutive weeks, commencing in the issue of January 31, 1936 and ending in the issue of February 21, 1936.

Wm. M. Curran.

Sworn to and subscribed before me, this 21st day of February 1936.
(Seal)

D. E. Kern,

Also:

By Mr. Calhoun:

H. 18. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

House bills 83, 123, 143, 144, 146, 152, 153, 154, 159 and 160, to the Committee on Local Legislation.

H. 18, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Harrison:

H. J. R. 21. Be it resolved by the House of Representatives, the Senate concurring, that when the two Houses recess today, they recess until ten-thirty A.M., Thursday, March 5, 1936.

And sends same herewith to the Senate.

E. F. Taylor,
Taylor.

HOUSE MESSAGE

H. J. R. 21, set in the foregoing message from the House, was, on motion of Mr. Riddle, concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Wallace:

H. J. R. 20. Regarding Federal Aid for Highways—Four Year Plan.

WHEREAS, the ever increasing use of highways as a means of transportation necessitates the extension of highway facilities and the modernization of existing highways; and

WHEREAS, the Federal Government has for many years extended aid to the States in the development and improvement of highways; and

WHEREAS, the maintenance of construction programs on an even keel and the avoidance of delays in undertaking such programs may be accomplished only by adequate advance planning based upon a definite knowledge of future availability of funds; and

WHEREAS, the Bureau of Public Roads as a most efficient Governmental agency directing the improvement of highways by the States insures the economic expenditure of such funds as may be appropriated, thus serving the twofold purpose of sound investment and unemployment relief;

NOW, THEREFORE BE IT RESOLVED, That the Alabama State Legislature now assembled in session at Montgomery, Alabama, petition the President of the United States and the second session of the Seventy-Fourth Congress of the United States to provide authorization for the unbroken continuance of regular Federal aid to the States for highway construction for a period of not less than four years in amounts of not less than one hundred twenty-five million dollars for each fiscal year, together with adequate authorization for each fiscal year for forest highways, roads and trails, roads through public lands and other Federal reservations, roads in national parks, and Indian reservation roads in order that proper plans may be matured for the prompt, efficient, and economical usage of such;

BE IT FURTHER RESOLVED, that a copy of this joint resolution be sent to each Senator and Representative from Alabama, now assembled in the United States Congress at Washington, D. C.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 20, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

By Mr. Chichester:

H. 25. To amend Section 291 of an Act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

By Mr. Chichester:

H. 26. To amend Section 12 of an Act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

By Mr. Henson:

H. 58. To define turpentine gum (oleoresin) and the products as processed therefrom by the original producer as agricultural commodities and agricultural farm products.

Also:

By Mr. Welch:

H. 77. To amend Section 6672 of the 1923 Code of Alabama.

Also:

By Mr. Welch:

H. 79. To place the duty upon each Circuit Solicitor having a county or counties within his circuit with a population of 300,000 or more according to the last or any subsequent Federal Census, to represent the State in the Court of Appeals of Alabama and in the Supreme Court of Alabama, in all criminal cases appealed from the circuit court in such county or counties having a population of 300,000 or more according to the last or any subsequent Federal Census.

Also:

By Mr. Welch:

H. 82. To provide for and regulate the service of persons summoned for jury duty in the circuit courts in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to regulate the excusing of persons summoned for jury service in such courts in such counties, and to provide for the performance of jury duty by persons summoned for such duty at a time subsequent to that for which they were originally summoned; and to provide for the fees of persons summoned for jury duty who are excused and required to perform jury duty at such subsequent time.

Also:

By Mr. Owen (Etowah):

H. 117. To amend Section 2 of an Act "To provide that all cities in Alabama which now have or may hereafter have a popula-

tion of as much as twenty-four thousand and less than forty thousand according to the last Federal Census, or any such census which may hereafter be taken, shall be known and designated as Class 'D' cities; to provide and create a Commission form of municipal government and to establish the same in all Class 'D' cities of Alabama as herein defined; to abolish the offices of Mayor and Aldermen and otherwise provide for the creation and maintenance of said commission form of government; to provide for the selection and election of a chairman and two associate commissioners in lieu of mayor and aldermen; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act. To Fix the Duties, powers and Compensation of the Board of Commissioners,—“approved March 6, 1931.

Also:

By Mr. Owen (Etowah):

H. 118. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 762 of said Code.

Also:

By Mr. Owen (Etowah):

H. 135. To amend an Act of the Legislature of Alabama approved August 4, 1931 entitled, “An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama operating under the commission form of government and which now have or which may hereafter have a population of as much as twenty-four thousand and less than fifty thousand people, according to the latest or any succeeding Federal Census; to provide for a civil service board in such cities and fix their duties, authorities, powers, and compensation” so as to require all members of the police department in said cities to enter into bond conditioned for the faithful and proper performance of their duties as policemen before entering upon their duties, and to provide further that their appointment shall be revoked by the civil service board upon their failure to enter into such bond within ten days after said appointment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

House bills 25 and 26, to the Committee on Finance and Taxation.

House bills 77 and 118, to the Committee on Judiciary.

House bills 79 and 82, to the Committee on Local Legislation.

House bills 117 and 135, to the Committee on Municipalities.

H. 58, to the Committee on Agriculture.

RECESS

At 12:55 P.M., on motion of Mr. Russell, the Senate took a recess until 2:30 this afternoon.

SEVENTH DAY—AFTERNOON SESSION

Tuesday, March 3rd, 1936.

The Senate re-assembled at 2:30 P.M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Glover	Russell	Taylor
Browder	Kelly	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Stoddard	Wellborn
Fletcher	Riddle	Swift	Woodall
Frazer	Rogers (Mobile)		

—30

LEAVES OF ABSENCE

On motion of Mr. Dorsey, leave of absence was granted Mr. Goldsmith for today.

On motion of Mr. Woodall, leave of absence was granted Mr. Walton for today.

RESOLUTION

Mr. Russell offered the following Senate resolution:

S. R. 20. WHEREAS, a member of the Staff of F.E.R.A., Hon. Louis M. Stevens did, at the request of the Governor of Ala-

bama, make a survey of the needs of the schools of Alabama during the winter of 1934-1935 and in doing so assembled much new and original data and,

WHEREAS, the Hon. Corrington Gill, Assistant Administrator states that the original report together with the underlying documents are in Alabama and that the proper procedure to obtain same is for the Governor of Alabama to issue an order to Mr. A. P. Morgan, Jr., Director of Finance of the Alabama Works Progress Administration, to produce said report and the underlying documents.

NOW, THEREFORE, BE IT RESOLVED that the Senate respectfully requests his Excellency, the Governor of Alabama, to make the request above stated of the said Mr. A. P. Morgan, Jr., and report the results thereof to this body at his earliest convenience.

And on motion of Mr. Russell, the rules were suspended and the resolution adopted.

CONSIDERATION OF SPECIAL ORDERS

The Senate proceeded to consider the Special Orders on today's calendar, the first of which was the bill:

By Mr. Simpson:

S. 42. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having a population of 300,000 or more, according to the last or any subsequent Federal census and having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of this State for their consideration at the General election to be held on the Third day of November, 1936, to-wit: "The

Courts, in all counties of Alabama having a population of 300,000 or more according to the last or any subsequent Federal census and having original jurisdiction of Criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation and may hereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society."

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by proclamation, of the fact that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration; and such proclamation shall also set out the proposed amendment. The said proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for the said election.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment and on the official ballots printed for such election, there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of the State of Alabama: "The Courts in all counties of Alabama having a population of 300,000 or more, according to the last or any subsequent Federal census, and having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society." Following the proposed amendment on the ballot shall be printed the word "yes" and immediately under that shall be printed the word "no". The choice of the elector shall be indicated by a cross mark made by him, or under his direction opposite the word expressing his desire.

Section 4. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such a part of the Constitution.

Section 5. That the result of such election be made known by proclamation of the Governor.

Section 6. That the expenses and cost of the publication of notices, shall be paid out of the State Treasury.

Mr. Simpson offered the following amendment to said bill to-wit:

Amend Senate bill No. 42 as follows:

Strike from the title and each section thereof where the same occur therein the figures "300,000" and insert in lieu thereof the words "Fifty Thousand."

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Taylor
Browder	Kelly	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Stoddard	Wellborn
Fletcher	Riddle	Swift	Woodall
Frazer	Rogers (Mobile)		

—30

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Taylor
Browder	Kelly	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Stoddard	Wellborn
Fletcher	Riddle	Swift	Woodall
Frazer	Rogers (Mobile)		

—30

Nays:—None.

The second Special Order to-wit:

S. 43. To provide that in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regula-

tions for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred, under the law to deputy sheriffs; and to further provide when this Act shall become effective.

Was taken up.

Mr. Simpson offered the following amendment to said bill to-wit:

Amend Senate bill No. 43 as follows:

Strike from the title and each section thereof, where the same occur therein, the figures "300,000" and insert in lieu thereof the words "Fifty Thousand."

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Swift
Browder	Kelly	Russell	Taylor
Chesnut	Mixon	St. John	Thomas
Cook	Mooneyham	Simpson	Tucker
Dorsey	McDowell	Starnes	Walden
Fletcher	Parrish	Stephens	Weaver
Frazer	Riddle	Stoddard	Woodall

—28

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Cook	McDowell	Starnes	Weaver
Dorsey	Parrish	Stephens	Wellborn
Frazer	Riddle	Stoddard	Woodall
Glover	Rogers (Mobile)	Swift	

—27

Nays:—None.

BILLS ON THIRD READING

The bill:

S. 13. To repeal an act of the Legislature of Alabama of 1935 approved June 12, 1935, and entitled "An Act to provide for the payment of official expenses of members of the Legislature".

Was taken up.

Mr. Kelly moved that further consideration of said bill be postponed until the twenty-ninth Legislative day, which motion was lost.

Yeas, 14; Nays, 16.

Yeas:

Messrs.:

Carlton	Kelly	St. John	Thomas
Chesnut	Mixon	Stephens	Weaver
Cook	Parrish	Taylor	Woodall
Glover	Riddle		

—14

Nays:

Messrs.:

Bonner	Frazer	Russell	Swift
Browder	Mooneyham	Simpson	Tucker
Dorsey	McDowell	Starnes	Walden
Fletcher	Rogers (Mobile)	Stoddard	Wellborn

—16

Said bill was then read a third time at length and lost.

Yeas, 15; Nays, 16.

Yeas:

Messrs.:

Bonner	Frazer	Russell	Tucker
Browder	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Wellborn
Fletcher	Rogers (Mobile)	Swift	

—15

Nays:

Messrs.:

Carlton	Kelly	St. John	Thomas
Chesnut	Mixon	Stephens	Walton
Cook	Parrish	Stoddard	Weaver
Glover	Riddle	Taylor	Woodall

—16

The bill:

S. 47. To amend Schedule 7 of Chapter 1 of Article XIII of an Act "To Provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Was taken up.

Mr. Swift offered the following substitute for said bill to-wit:

A BILL

To be entitled An Act to amend Schedule 7 of Chapter 1 of Article XIII of an Act "To provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Schedule 7, Chapter 1 of Article XIII of an Act "To provide for the general revenue of the State of Alabama," approved July 10, 1935, be and the same is hereby amended to read as follows: For each person dealing in shot guns, rifles of .22 gauge or over, metallic ammunition and/or shot gun shells, whether

principal stock in trade or not; In cities and towns of one hundred thousand inhabitants or over, fifty dollars (\$50.00); in cities and towns of less than one hundred thousand inhabitants and not less than thirty-five thousand inhabitants, thirty-five dollars (\$35.00); in cities and towns of less than thirty-five thousand not less than seven thousand inhabitants, twenty-five dollars (\$25.00); in cities and towns of less than seven thousand inhabitants, and not less than one thousand inhabitants, fifteen dollars, (\$15.00).

Which was adopted.

Yeas, 23; Nays, 2.

Yeas:

Messrs.:

Browder	Mixon	Russell	Swift
Carlton	Mooneyham	St. John	Taylor
Chesnut	McDowell	Simpson	Walden
Frazer	Parrish	Starnes	Weaver
Glover	Riddle	Stephens	Woodall
Kelly	Rogers (Mobile)	Stoddard	

—23

Nays: Messrs.: Dorsey and Thomas

— 2

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 1.

Yeas:

Messrs.:

Browder	Mixon	Russell	Thomas
Carlton	Mooneyham	St. John	Walden
Chesnut	McDowell	Simpson	Walton
Dorsey	Parrish	Starnes	Weaver
Frazer	Riddle	Swift	Wellborn
Glover	Rogers (Mobile)	Taylor	Woodall
Kelly			

—25

Nay: Mr. Stephens

— 1

H. 20. To amend Section 31 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama".

Was read a third time at length and passed.

Yeas, 18; Nays, 8.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Swift
Browder	Kelly	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Stephens	Weaver
Fletcher	Parrish		

—18

Nays:

Messrs.:

Dorsey	Simpson	Taylor	Wellborn
Rogers (Mobile)	Starnes	Walden	Woodall

— 8

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for seventh Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the seventh Legislative day approved by the Senate.

ADJOURNMENT

At 4:40 P.M., on motion of Mr. Tucker and pursuant to joint resolution heretofore adopted, the Senate adjourned until Thursday, March 5th, 1936, at 10:30 A.M.

EIGHTH DAY

Thursday, March 5th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Dorsey
Fletcher
Frazer
Glover

Kuykendall
Mixon
Mooneyham
McDowell
Parrish
Riddle
Rogers (Mobile)
Russell

St. John
Simpson
Starnes
Stephens
Stoddard
Swift
Taylor

Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

JOURNAL

On motion of Mr. Tucker the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Woodall, leave of absence was granted Mr. Kelly for today.

On motion of Mr. Starnes, leave of absence was granted Mr. Locke for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kuykendall:

S. 83. To authorize and require the County Board of Education of Walker County, Alabama, to take over and assume the indebtedness of the Town of Cordova, evidenced by outstanding warrants or bonds issued by the Town of Cordova prior to September 20, 1927, which indebtedness was incurred and created in the erection of the Bankhead High School Building, a public school building in said town.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the Special Session of the Legislature of 1936, in substance as follows:

A BILL

TO BE ENTITLED

AN ACT

To authorize and require the County Board of Education of Walker County, Alabama, to take over and assume the indebtedness of the Town of Cordova, evidenced by outstanding warrants or bonds issued by the Town of Cordova prior to September 30, 1927, which indebtedness was incurred and created in the erection of the Bankhead High School Building, a public school in said town.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the County Board of Education of Walker County is hereby authorized and required to take over and assume the outstanding indebtedness of the Town of Cordova, in Walker County, Alabama, evidenced

by outstanding warrants or bonds of said town, issued prior to September 30, 1927, which indebtedness was incurred and created in the erection of the Bankhead High School Building, a public school building in said town, and to pay and discharge such indebtedness.

Section 2. That the County Board of Education of Walker County, Alabama, in the retirement or discharge of the obligation hereby required to be assumed shall be entitled to the benefits and receive aid under the terms of Act No. 370, House Bill No. 350, approved July 8, 1931, entitled "An Act to further regulate and provide for the erection, repair and equipment of rural school houses in Alabama and to provide for the payment of debts incurred by the County Board of Education in the erection, repair and equipment of rural school houses out of the Rural School House Fund as now authorized by Law."

Section 3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 4. That this Act shall take effect upon its passage.

W. S. SPARKS.

STATE OF ALABAMA }
COUNTY OF WALKER }

Before me, the undersigned authority in and for said State and county, this day personally appeared R. W. Boteler, Assistant Manager of The Mountain Eagle, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the County in which it is published, which newspaper has been mailed under the second class mailing privileges for fifty two consecutive weeks prior to the publication of the Attached notice, who, being by me duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Mountain Eagle for four consecutive weeks, namely:

February 6, 13, 20 & 27, 1936.

The Mountain Eagle,
By R. W. Boteler,
Assistant Manager.

Sworn and subscribed to before me, this 27th day of February, 1936.

(SEAL)

Mrs. Annie Davis,
Notary Public.

By Mr. Swift:

S. 84. To authorize the employment in their discretion by municipalities in Alabama having a population of not less than twenty-five hundred and not more than fifteen thousand, according to the last or any succeeding Federal census, of a City Manager; and to provide for the authority, duties, liabilities and penalties, the term of office and the compensation of City Managers so employed.

Committee on Local Legislation.

By Mr. Rogers (Mobile):

S. 85. To submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1936, for their consideration an amendment to the Constitution of the State of Alabama so as to authorize and empower the Legislature from time to time by general or local laws to fix, regulate, and alter the costs, fees, commissions, allowances, or salary to be charged or

received by the Sheriff of Mobile County, including the method or basis of his compensation.

Committee on Constitution and
Constitutional Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Walton:

S. 86. To amend Sections 2124 and 2125 of the 1923 Code of Alabama.

Committee on Finance and Taxation.

By Mr. Mooneyham:

S. 87. To amend Section 8966 of the Code of Alabama of 1923 relating to the statute of limitations in actions seeking relief on the ground of fraud.

Committee on Revision of Laws.

By Mr. Swift:

S. 88. To amend Schedule 84 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 74. To provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, and amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

The above bill was read a second time at length as required by the Constitution.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tucker:

S. 59. To fix the minimum age at which children may enter public schools in Alabama and repeal all laws or parts of laws in conflict herewith.

By Mr. Tucker:

S. 61. To amend Sections 126 and 128 of the School Code of Alabama which became effective by a Proclamation of the Governor on the first day of October, 1927, which Proclamation was issued pursuant to an Act of the Legislature of Alabama of 1927, approved August 11, 1927, and entitled: "An Act to provide for the revision, codification, digesting and promulgating of the Public Statutes of Alabama relating to education.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Castleberry (with notice and proof):

H. 146. To provide for the relief of J. R. Kelley, and to authorize the Board of Revenue of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

By Mr. Castleberry (with notice and proof):

H. 144. To provide for the relief of J. R. Kelley, and to authorize the Board of Education of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

By Mr. Waldrep (with notice and proof):

H. 153. To amend an act entitled An Act: "To require twenty per cent of the total funds received by Franklin County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the \$227,000.00 in bonds of said county, requiring the County Treasurer of said County to set aside said fund for said purpose; authorizing the Commissioners Court or Board of Revenue of said County to purchase and retire before maturity said bonds or any portion thereof, with said fund; providing that on final payment and retirement of said bonds, all

such funds received by said County from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect. Approved by the Governor on June 6th, 1935, so as to make said Act read as follows: An Act to require the Treasurer or other legal custodian of the funds of Franklin County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels, collected by the State of Alabama and paid to the County of Franklin usually known as the gasoline tax, the sum of \$9,960.00 per year as a sinking fund, for the retirement of the \$227,000.00 of outstanding road bonds against said County; to provide the manner of setting aside the same and requiring the Court of County Commissioners to use said sinking fund in the purchase and retirement of said bonds, and providing the time when this Act shall take effect.

By Mr. Waldrep (with notice and proof):

H. 152. To authorize and empower the Court of County Revenue of Franklin County, Alabama, to apply to, and expend on State and or State and Federal aid highways, within said County in said State, any part or all of the funds of said County derived from the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to said County in the construction or repair of said highways, in connection with other funds contributed or expended by the State of Alabama and or the Federal Government, or otherwise, and to authorize and empower the said Court of County Revenue of said County to enter into contracts for said construction or repair of said highways with the State of Alabama and or the Federal Government. Also to authorize and empower the Court of County Revenue of said Franklin County to borrow money for the purpose of constructing or repairing State and or State and Federal highways within said County and to pledge as security therefor, any or all of the said excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama, and paid to said Franklin County as security for said loan or loans, and to provide for the issuance of interest bearing warrants to secure and liquidate said loans; provided however, that \$9,960.00 per year of said excise tax shall not be affected by this Act, but shall be applied on bonded indebtedness of the County as provided by a Local Act for said County.

By Mr. Welch:

H. 83. To regulate and fix rules in regard to motions for new trials in the circuit court in counties having a population of 300,000

or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to fix, declare and keep such courts in such counties always open for the filing of, presenting and calling to the attention of the court, continuing, hearing and deciding motions for new trials; and to fix the time within which motions for new trials may be filed, presented and called to the attention of the court, continued, etc., in such courts in such counties.

By Mr. Norman of Bullock (with notice and proof):

H. 105. To authorize the Court of County Commissioners of Bullock County, Alabama, to replace in the Fine and Forfeiture Fund of said county, by transfer from the General Fund of said county to the Fine and Forfeiture Fund of said county, such sums of money as have been heretofore transferred from said Fine and Forfeiture Fund to the General Fund of said county.

By Mr. Goolsby (with notice and proof):

H. 120. To require the Court of County Commissioners of Escambia County, Alabama, to levy a special tax of one-twentieth of One per cent. on all taxable property in said county as assessed for state taxation for the tax year commencing October 1st, 1935, and subsequent years, to be used for Public Health Work in Escambia County; to provide that the total levy in any one year shall not exceed one-half of one per cent., exclusive of levies for public buildings or bridges; to fix said special tax of one-twentieth of one per cent. assessed for public health work as Escambia County's contribution to the budget of the Escambia County Health Department; and to provide to whom said special tax shall be paid, and how the same shall be disbursed.

By Mr. Castleberry (with notice and proof):

H. 143. To abolish the fine and forfeiture fund of Conecuh County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Conecuh County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said Claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

By Mr. Hendley (with notice and proof):

H. 130. To provide that all persons in Covington County Alabama be relieved from all legal obligations to work on the public

roads or to pay any money in lieu of such obligation to work on the public roads in said county, and to prohibit the levy and collection of a per capita road tax in said County.

By Mr. Waldrep (with notice and proof):

H. 154. To authorize the payment of the per diem and mileage of the members of the Court of County Revenue of Franklin County, Alabama, out of the excise gas tax of the county, when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in the County.

By Mr. Tompkins (with notice and Proof):

H. 94. For the relief of S. A. Powell, and to appropriate for the use of the said S. A. Powell the sum of one hundred twenty five dollars for the loss of a mule killed by a truck belonging to Russell County on January 28, 1935, near Hurtsboro, Alabama.

By Mr. McDermott (with notice and proof):

H. 160 To provide for an additional allowance for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, and to provide for the payment of said allowance.

By Mr. Longdon (with notice and proof):

H. 52. To Authorize and provide for the payment of the sum of Two Hundred and fifty dollars (\$250.00) for the relief of James W. Carpenter of Reform, Alabama, Pickens County who was injured on the 20th day of September 1934, while being transported to work for said County.

By Mr. Welch:

H. 82. To provide for and regulate the service of persons summoned for jury duty in the circuit courts in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to regulate the excusing of persons summoned for jury service in such courts in such counties, and to provide for the performance of jury duty by persons summoned for such duty at a time subsequent to that for which they were originally summoned; and to provide for the fees of persons summoned for jury duty who are excused and required to perform jury duty at such subsequent time.

By Mr. Thomas (with notice and proof):

S. 54. To require the Court of County Commissioners of Chilton County, Alabama to set-aside and appropriate, after payment has been made of the liability of Chilton County, Alabama, for its share of paving the Clanton-Selma Highway in Chilton County, Alabama, such part of the funds received by Chilton County, Alabama, from the State of Alabama as Gasoline Tax as will equal its

part or share of said tax to the extent of 1c per gallon of said gasoline tax, for the purpose constructing and maintaining in said Chilton County, Alabama public Highway of a permanent type of paved road and to prohibit the Court of County Commissioners of Chilton County, Alabama from expending its gasoline tax received from the State of Alabama to the extent of the tax of 1c per gallon for any other purposes.

By Mr. Thomas (with notice and proof):

S. 53. To authorize and empower the County Board of Education of Chilton County Alabama to rent offices, buildings or parts of buildings for quarters or offices to be used by said County Board of Education and the superintendent of Education and his assistants, of said county, and to authorize the Board of Education of Chilton County, Alabama to purchase or buy necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor services and to pay for the same out of the School funds of Chilton County, Alabama.

Mr. Walden, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kuykendall:

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

Mr. Rogers, of Mobile, Chairman of the Standing Committee on Seaports, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rogers of Mobile:

S. 81. To Amend an Act approved September 13, 1935, entitled 'An Act to Amend Section 28 of an Act entitled "An Act to create a pilotage commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage, and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act; and to repeal all laws in conflict therewith," approved March 4, 1931' "

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 63. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

By Mr. McDowell:

S. 76. To further provide for annual, partial or final settlements by Administrators, Executors, Guardians and Trustees, to authorize the court having jurisdiction of any such settlements to fix, determine and allow upon such settlements the fees or compensation of such Administrators, Executors, Guardians or Trustees and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

By Mr. McDermott:

H. 48. To provide a lien for laundering, cleaning, pressing, and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills, respectively, and find same correctly engrossed, to-wit:

S. 42. To provide for and submit to the qualified electors of the State of Alabama at the General Election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having a population of Fifty-thousand or more, according to the last or any subsequent Federal census and having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Also:

S. 43. To provide that in all counties in this State having a population of Fifty-thousand or more, according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred under the law to deputy sheriffs; and to further provide when this Act shall become effective.

Vernon L. St. John,
Chairman.

BILL RETURNED AND RE-REFERRED

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a recommendation that it be re-referred, to-wit:

By Mr. Stoddard:

S. 77. A bill to be entitled An Act to authorize and empower the governing bodies of all the Counties in this State, which are now collecting or may hereafter collect as much as \$15,000.00 per year from any road or bridge tax of one-fourth of one per centum levied under Section 215 of the present Constitution of Alabama, to transfer and assign, sell or pledge not more than 33 1/3 per cent per annum of the County's part of the gasoline taxes now or hereafter levied by the State of Alabama, and divided among the sixty-seven Counties of this State for a period not exceeding Twenty (20) years, and to authorize the issuance and sale of warrants, securities, debentures or assignments of securities or assignments out of such County's part of such gasoline taxes; and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair, surfacing, or re-surfacing of roads and bridges, and the matching of funds with the State of Alabama or the United States of America, for highway and bridge purposes; and to further provide for authority by the counties for the deposit of such proceeds with the State of Alabama for highway and bridge purposes.

To further authorize and empower the governing bodies of all Counties in this State, which are now collecting or may hereafter collect as much as Forty Thousand (\$40,000.00) Dollars per year from any road or bridge tax of one-fourth of one per centum levied under Section 215 of the present Constitution of Alabama, to transfer and assign, sell or pledge not more than fifty per centum of the County's part of the Gasoline Taxes now or hereafter levied by the State of Alabama, and divided among the sixty-seven Counties of this State, for a period of not exceeding twenty (20) years and to authorize the issuance and sale of warrants, securities, debentures or assignments of said taxes, and to provide for the use of such proceeds of sale of such securities in the construction, maintenance, repair, surfacing, or re-surfacing of roads and bridges, and the matching of funds with the State of Alabama or the United States of America, for highway and bridge purposes; and to further provide for authority by the counties for the deposit of such proceeds with the State of Alabama for highway or bridge purposes.

Pursuant to such recommendation, the President and Presiding Officer of the Senate re-referred said bill, S. 77, to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate.

By Mr. Kelly:

H. 97. To amend Section 8855 of Chapter 314 of the Code of Alabama, of 1923.

Also:

By Mr. DeVane:

H. 110. To Amend Section 3759 of the Code of Alabama of 1923 relating to Solicitor's fees for convictions in misdemeanor cases in County Courts and Inferior Courts, so as to read as follows:

Also:

By Mr. Delony:

H. 111. To make appropriation of Two Hundred Thousand Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 97 and H. 110, to the Committee on Revision of Laws.

H. 111, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 20. To amend Section 31 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama".

E. F. Taylor,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

RESOLUTION

The Rules Committee reported the following joint resolution:

S. J. R. 21. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Friday, March 6th, 1936 at ten A. M.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 16. Relative to memorializing congress to enact certain Legislation as may be necessary to abolish the Federal gasoline sales tax and to surrender to the State the power to tax said sales in the future.

And on motion of Mr. Riddle the resolution was adopted.

Also favorably with amendment:

S. J. R. 16. Relative to establishing the Alabama Commission on Inter-State cooperation.

With the following amendment:

Amend Section 6 of Senate Joint Resolution No. 16 by adding at the end thereof the following words:

The amount of such expenses shall not during any year exceed \$200.00 to be expended under the direction of the Governor.

And on motion of Mr. Riddle, said amendment was adopted, and the resolution, as thus amended, put upon its immediate passage and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Jones:

H. J. R. 22. Whereas, the Legislature of Alabama has learned with regret of the death of Mr. B. A. Rogers of Florence, Alabama, a former member of the Senate of Alabama and a useful citizen of Lauderdale County;

Now Therefore Be It Resolved by the House of Representatives, the Senate concurring:

First, that the Legislature deplores the loss of this valuable citizen.

Second, that the sympathy of this body is hereby extended to the bereaved family.

Third, that these resolutions be spread upon the Journal of the House and a copy hereof be forwarded to the family of the deceased by the Clerk of the House.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weaver, H. J. R. 22, set out in the foregoing message from the House, was concurred in and adopted.

BILL ON THIRD READING

The bill:

S. 50. To Amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor," approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Rogers (Mobile)	Swift	Wellborn
Glover	Russell	Taylor	Woodall
Kuykendall	St. John	Thomas	

Nays: None.

RECESS

At 12:40 P. M., on motion of Mr. Rogers of Mobile, the Senate took a recess until two o'clock this afternoon.

EIGHTH DAY—AFTERNOON SESSION

Thursday, March 5th, 1936.

The Senate re-assembled at 2 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Dorsey
Fletcher

Glover
Kuykendall
Mixon
McDowell
Riddle
Rogers (Mobile)

St. John
Simpson
Starnes
Stephens
Swift
Taylor

Thomas
Tucker
Walden
Walton
Weaver
Woodall

—24

REPORT OF COMMITTEE

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Calhoun:

H. 64. To amend Section 3 of Article 1 of an act entitled, "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

By Mr. Welch (with substitute):

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

By Mr. Fletcher:

S. 57. To authorize, require and provide for payment of the sum of Eighteen Hundred Eighty Dollars (\$1880.00) for the relief of F. H. Gilliam, former Tax Collector of Madison County, said sum being an amount paid by him to the State of Alabama on

charges made against him in a report of an examination of his office, for being delinquent 188 days in making final settlement with the State.

By Mr. Rogers (Mobile):

S. 67. To amend Subdivision 21 of Section 6755 of the 1923 Code of Alabama.

By Mr. Simpson:

S. 73. To provide for the payment to the Sheriffs of the several Counties of the State out of the State Treasury certain fees for service in the feeding of prisoners, and to repeal an Act of the Legislature approved July 10, 1935, entitled "An Act to provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923." (General Acts 1935, page 595).

By Mr. Sparks (Barbour):

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

By Mr. Tucker:

S. 58. To amend Section 31 of an Act entitled "An Act to provide for the general Revenue of the State of Alabama", approved July 10, 1935.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 21. Relative to two Houses adjourning today to meet again on Friday, March 6th, 1936, at ten A.M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Eighth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative day approved by the Senate.

ADJOURNMENT

At 4:40 P. M., on motion of Mr. Riddle and pursuant to joint resolution heretofore adopted, the Senate adjourned until Friday, March 6th, 1936, at 10 A. M.

NINTH DAY

Friday, March 6th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Goldsmith	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Glover	Riddle	Swift	Woodall

—32

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Browder, leave of absence was granted Mr. Cook for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Stephens:

S. 89. To amend Sections 5 and 12 of an Act approved September 14, 1935, entitled "An Act to authorize, provide for, and regulate non-profit corporations for the establishment, mainte-

nance and furnishing of a plan of hospitalization and hospital service."

Committee on Finance and Taxation.

By Mr. Browder:

S. 90. To amend Sub-section b of Section 1 of an Act entitled: "An Act in relation to the educational system of Alabama: To make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938, and 1939, including all schools, agencies, services and institutions under the the general or direct control or subject to the rules and regulations of the Sate Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama. (Approved September 2, 1935.)"

Committee on Finance and Taxation.

By Mr. Browder:

S. 91. To amend, by adding Section 4½ and amending Section 5, an Act entitled: "An Act in relation to the public school system of Alabama: To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State. (Approved September 2, 1935.)"

Committee on Finance and Taxation.

By Mr. Woodall:

S. 92. To allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies or resigns.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that when the legislature of Alabama convenes in special or regular session, aplication will be made for the passage of a certain act, in substance as follows:

AN ACT

To allow the sheriff of Elmore County an additional deputy, to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies or resigns.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the sheriff of Elmore County is hereby allowed an additional deputy sheriff, to be appointed by said sheriff and to hold office at

the pleasure of the sheriff, who shall terminate said appointment for any cause sufficient in the discretion of the sheriff; provided that when any such deputy is removed, dies or resigns, the sheriff may appoint a successor who shall hold office and be subject likewise to all the provisions of this act.

Sec. 2. The compensation of said deputy is hereby fixed at One Hundred Dollars per month, payable out of the general fund of the county upon presentation of claim for such compensation, monthly, to the court of county commissioners of said county; provided that payment shall be at the discretion of the said court.

Sec. 3. Before entering upon the duties as his office said deputy shall execute a bond, conditioned and approved as required by law for bonds required of sheriffs, in the sum of \$1,000.00, payable to the State of Alabama, and recorded and filed in the probate office of said county.

Sec. 4. If any section or provision hereof is invalid it shall not effect the valid provisions of this act.

Sec. 5. This act shall be effective upon its passage and approval.
2jan4t.

THE STATE OF ALABAMA, ELMORE COUNTY.

Before me the undersigned authority personally appeared W. W. Bateman, who by me first being duly sworn deposes and says that he is the publisher of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice An Act to allow Sheriff of Elmore County an additional deputy, was published in said newspaper for 4 successive weeks on to-wit: Jan. 2, 9, 16 and 23, 1936.

W. W. BATEMAN,
Pub. The Wetumpka Herald.

Sworn to and subscribed before me this the 10th day of Feb., 1936.

R. L. PARKER,
Notary Public.

REPORTS OF COMMITTEES

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Riddle (with amendment):

S. 66. To authorize cities, towns and counties of Alabama, of 100,000 population and over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to Authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Mr. Parrish, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walton (with amendment):

S. 44. To amend an Act of the Legislature of Alabama entitled, "An Act for the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof," approved September 13, 1935.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walton (with substitute):

S. 65. To regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House joint resolution, your signature thereto is requested:

H. J. R. 16. Urging Congress to repeal Federal Gasoline Tax.
E. F. Taylor,
Clerk.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House joint resolution, the title of which is set out in the foregoing Message from the House.

RESOLUTIONS

Mr. Taylor offered the following joint resolution:

S. J. R. 22. BE IT RESOLVED by the Senate, the House concurring, that as soon as the Comptroller, Chas. W. Lee, fur-

nishes the Legislature a statement of the financial condition of the State of Alabama and its revenue that the Legislature adjourn for two weeks and that the Lieutenant Governor appoint a committee of five Senators and that the Speaker of the House shall appoint five Representatives to formulate plans and suggestions for curtailing the cost of operating the affairs of the State, so that the State will operate within its present revenue, which we believe is sufficient to operate the State of Alabama and all of its functions by some economy and without any further taxation.

Which was read and referred to the Standing Committee on Rules.

The Rules Committee reported the following joint resolution:

S. J. R. 23. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again Tuesday morning, March 10th, 1936, at 10 A. M.

And on motion of Mr. Riddle said report was concurred in and the resolution adopted.

BILL INDEFINITELY POSTPONED

On motion of Mr. Rogers of Mobile, further consideration of the bill:

S. 20. To provide a lien for laundering, cleaning, pressing, and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Was indefinitely postponed by the Senate.

BILL RE-COMMITTED

On motion of Mr. Kelly, the bill:

S. 36. To provide for the registration of original marriage licenses with the Bureau of Vital Statistics of the State Board of Health and license fees therefor and to provide for the issuance of certified copies thereof.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Public Health.

BILLS ON THIRD READING

The bill:

H. 48. To provide a lien for laundering, cleaning, pressing, and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Was read a third time at length and passed.
Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Taylor
Browder	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Rogers (Mobile)	Swift	Wellborn
Kelly			

—25

Nays:—None.

The bill:

H. 146. To provide for the relief of J. R. Kelley, and to authorize the Board of Revenue of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Woodall
Frazer	Rogers (Mobile)	Swift	Wellborn
Glover			

—29

Nays:—None.

The bill:

H. 144. To provide for the relief of J. R. Kelley, and to authorize the Board of Education of Concuah County to audit and allow his claim, and to provide for the payment thereof.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Swift	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 153. To amend an act entitled An Act: "To require twenty per cent of the total funds received by Franklin County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the \$227,000.00 in bonds of said county, requiring the County Treasurer of said County to set aside said fund for said purpose; authorizing the Commissioners Court or Board of Revenue of said County to purchase and retire before maturity said bonds or any portion thereof, with said fund; providing that on final payment and retirement of said bonds, all such funds received by said County from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect. Approved by the Governor on June 6th, 1935, so as to make said Act read as follows: An Act To require the Treasurer or other legal custodian of the funds of Franklin County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels, collected by the State of Alabama and paid to the County of Franklin usually known as the gasoline tax, the sum of \$9,960.00 per year as a sinking fund, for the retirement of the \$227,000.00 of outstanding road bonds against said County; to provide the manner of setting aside the same and requiring the Court of County Commissioners to use said sinking fund in the purchase and retirement of said bonds, and providing the time when this Act shall take effect.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Swift	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 152. To authorize and empower the Court of County Revenue of Franklin County, Alabama, to apply to, and expend on State and or State and Federal aid highways, within said County in said State, any part or all of the funds of said County derived from the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to said County in the construction or repair of

said highways, in connection with other funds contributed or expended by the State of Alabama and or the Federal Government, or otherwise, and to authorize and empower the said Court of County Revenue of said County to enter into contracts for said construction or repair of said highways with the State of Alabama and or the Federal Government. Also to authorize and empower the Court of County Revenue of said Franklin County to borrow money for the purpose of constructing or repairing State and or State and Federal highways within said County and to pledge as security therefor, any or all of the said excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama, and paid to said Franklin County as security for said loan or loans, and to provide for the issuance of interest bearing warrants to secure and liquidate said loans; provided however, that \$9,960.00 per year of said excise tax shall not be affected by this Act, but shall be applied on bonded indebtedness of the County as provided by a Local Act for said County.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Swift	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 83. To regulate and fix rules in regard to motions for new trials in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to fix, declare and keep such courts in such counties always open for the filing of, presenting and calling to the attention of the court, continuing, hearing and deciding motions for new trials; and to fix the time within which motions for new trials may be filed, presented and called to the attention of the court, continued, etc., in such courts in such counties.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Swift	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 120. To require the Court of County Commissioners of Escambia County, Alabama, to levy a special tax of one-twentieth of One per cent, on all taxable property in said county as assessed for state taxation for the tax year commencing October 1st, 1935, and subsequent years, to be used for Public Health Work in Escambia County; to provide that the total levy in any one year shall not exceed one-half of one per cent, exclusive of levies for public buildings or bridges; to fix said special tax of one-twentieth of one per cent. assessed for public health work as Escambia County's contribution to the budget of the Escambia County Health Department; and to provide to whom said special tax shall be paid, and how the same shall be disbursed.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Swift	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 143. To abolish the fine and forfeiture fund of Conecuh County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Conecuh County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said Claims; to provide for the registration of same; to regulate the payment

of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Swift	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 130. To provide that all persons in Covington County, Alabama be relieved from all legal obligations to work on the public roads or to pay any money in lieu of such obligation to work on the public roads in said county, and to prohibit the levy and collection of a per capita road tax in said County.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Swift	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 154. To authorize the payment of the per diem and mileage of the members of the Court of County Revenue of Franklin County, Alabama, out of the excise gas tax of the county, when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in the county.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Chesnut	Frazer	Kuykendall
Browder	Dorsey	Glover	Mixon
Carlton	Fletcher	Kelly	Mooneyham

McDowell	Simpson	Swift	Walton
Parrish	Starnes	Taylor	Weaver
Rogers (Mobile)	Stephens	Tucker	Wellborn
Russell	Stoddard	Walden	Woodall
St. John			

—29

Nays:—None.

The bill:

H. 52. To Authorize and provide for the payment of the sum of Two Hundred and fifty dollars (\$250.00) for the relief of James W. Carpenter of Reform, Alabama, Pickens County who was injured on the 20th day of September, 1934, while being transported to work for said County.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Swift	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 160. To provide for an additional allowance for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, and to provide for the payment of said allowance.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Swift	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 82. To provide for and regulate the service of persons summoned for jury duty in the circuit courts in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title,

to regulate the excusing of persons summoned for jury service in such courts in such counties, and to provide for the performance of jury duty by persons summoned for such duty at a time subsequent to that for which they were originally summoned; and to provide for the fees of persons summoned for jury duty who are excused and required to perform jury duty at such subsequent time.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Swift	Woodall
Glover			

—29

Nays:—None.

The bill:

S. 54. To require the Court of County Commissioners of Chilton County, Alabama to set-aside and appropriate, after payment has been made of the liability of Chilton County, Alabama, for its share of paving the Clanton-Selma Highway, in Chilton County, Alabama, such part of the funds received by Chilton County, Alabama, from the State of Alabama as Gasoline Tax as will equal its part or share of said tax to the extent of 1c per gallon of said gasoline tax, for the purpose of constructing and maintaining in said Chilton County, Alabama public Highway of a permanent type of paved road and to prohibit the Court of County Commissioners of Chilton County, Alabama from expending its gasoline tax received from the State of Alabama to the extent of the tax of 1c per gallon for any other purposes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Taylor	Woodall
Glover			

—29

Nays:—None.

The bill:

S. 53. To authorize and empower the County Board of Education of Chilton County Alabama to rent offices, buildings or parts of buildings for quarters or offices to be used by said County Board of Education and the Superintendent of Education and his assistants, of said county, and to authorize the Board of Education of Chilton County, Alabama to purchase or buy necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor services and to pay for the same out of the School funds of Chilton County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Taylor	Woodall
Glover			

—29

Nays:—None.

The bill:

S. 35. To declare and fix the priority of the claims of local registrars of vital statistics in the several counties in the State.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; Nays, 9.

Yeas:

Messrs.:

Browder	Mooneyham	Starnes	Tucker
Carlton	Parrish	Swift	Walton
Chesnut	Russell	Taylor	Weaver
Kelly	St. John	Thomas	Woodall
Kuykendall	Simpson		

—18

Nays:

Messrs.:

Bonner	Mixon	Rogers (Mobile)	Stoddard
Dorsey	McDowell	Stephens	Wellborn
Fletcher			

— 9

The bill:

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands, as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the

State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Taylor
Browder	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Chesnut	McDowell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Fletcher	Riddle	Stoddard	Wellborn
Glover	Rogers (Mobile)	Swift	Woodall
Kelly			

—29

Nays:—None.

The bill:

S. 81. To Amend an Act approved September 13, 1935, entitled 'An Act to Amend Section 28 of an Act entitled "An Act to create a pilotage commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage, and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act; and to repeal all laws in conflict therewith," approved March 4, 1931' "

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Taylor
Browder	Mixon	Simpson	Thomas
Carlton	Mooneyham	Starnes	Tucker
Chesnut	McDowell	Stephens	Weaver
Dorsey	Riddle	Stoddard	Wellborn
Fletcher	Rogers (Mobile)	Swift	Woodall
Glover	Russell		

—26

Nays:—None.

The bill:

S. 63. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 2.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Fletcher	Parrish	Swift	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

Nays: Messrs. Starnes and Walton

— 2

The bill:

By Mr. Simpson:

S. 74. A bill to be entitled an Act to provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said

election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of this State for their consideration at the General election to be held on the third day of November 1936, to-wit: "The Courts, in all counties of Alabama having original jurisdiction of Criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation and may hereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society".

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by proclamation, of the fact that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration; and such proclamation shall also set out the proposed amendment. The said proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for the said election.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment and on the official ballots printed for such election, there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of the State of Alabama: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society". Following the proposed amendment on the ballot shall be printed the word "yes" and immediately under that shall be printed the word "no". The choice of the elector shall be indicated by a cross mark made by him, or under his direction opposite the word expressing his desire.

Section 4. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the

qualified electors who voted at such election upon the proposed amendment, voted in favor same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid such a part of the Constitution.

Section 5. That the result of such election be made known by proclamation of the Governor.

Section 6. That the expenses and the cost of the publication of the notices, shall be paid out of the State Treasury.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Riddle	Swift	Woodall
Glover	Rogers (Mobile)		

—30

Nays:—None.

The bill:

S. 76. To further provide for annual, partial or final settlements by Administrators, Executors, Guardians and Trustees, to authorize the court having jurisdiction of any such settlements to fix, determine and allow upon such settlements the fees or compensation of such Administrators, Executors, Guardians or Trustees and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

Was taken up.

Mr. McDowell offered the following amendment to said bill to-wit:

Amend Senate Bill No. 76 by adding thereto Section 3, as follows:

Section 3. In the allowance of fees to executors, administrators, guardians and trustees and their attorneys, on final settlement of the estate, the court shall take into consideration such fees as may have been allowed and paid to them prior to such final settlement, but such executors, administrators, guardians or trustees, shall be entitled to full credit for any fees allowed and paid on any annual or partial settlement after notice given as provided for in case of final settlement.

Which was adopted.

Yeas, 26; Nay, 1.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Browder	Kuykendall	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Fletcher	Riddle	Swift	Woodall
Glover	Rogers (Mobile)		

—26

Nay: Mr. Walton

— 1

Mr. Woodall offered the following amendment to said bill to wit:

Amend Senate bill no 76. by adding to Section 2 thereof the following:

Provided however, that in case it is shown to the court by proper petition verified by affidavit that a mistake has been made in any partial settlement or that the same was fraudulent then the court may by proper order reopen such partial settlement for further consideration.

Mr. McDowell moved to table the amendment offered by Mr. Woodall, which motion was lost and the Senate refused to table said amendment.

Yeas, 13; Nays, 16.

Yeas:

Messrs.:

Bonner	Frazer	Rogers (Mobile)	Stoddard
Carlton	Mixon	Russell	Tucker
Dorsey	McDowell	Simpson	Wellborn
Fletcher			

—13

Nays:

Messrs.:

Browder	Kuykendall	Starnes	Thomas
Chesnut	Mooneyham	Stephens	Walton
Goldsmith	Parrish	Swift	Weaver
Kelly	St. John	Taylor	Woodall

—16

The question then recurred on the amendment offered by Mr. Woodall, and said amendment was adopted.

Yeas, 14; Nays, 13.

Yeas:

Messrs.:

Browder	Kuykendall	Stephens	Walton
Chesnut	Mooneyham	Taylor	Weaver
Goldsmith	Parrish	Thomas	Woodall
Kelly	St. John		

—14

*Nays:**Messrs.:*

Bonner	Mixon	Russell	Swift
Carlton	McDowell	Simpson	Tucker
Dorsey	Rogers (Mobile)	Stoddard	Wellborn
Frazer			

—13

Said bill was then read a third time at length and lost by failure to receive the required constitutional majority.

Yeas, 21; Nays, 11.

*Yeas:**Messrs.:*

Bonner	Glover	Rogers (Mobile)	Tucker
Browder	Kelly	Russell	Walden
Carlton	Mixon	Simpson	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Fletcher	Riddle	Swift	Woodall
Frazer			

—21

*Nays:**Messrs.:*

Chesnut	Mooneyham	Starnes	Thomas
Goldsmith	Parrish	Stephens	Walton
Kuykendall	St. John	Taylor	

—11

Mr. Thomas moved that the vote by which said bill, S. B. 76, was lost, be re-considered which motion prevailed and said vote was re-considered.

Yeas, 20; Nays, 11.

*Yeas:**Messrs.:*

Bonner	Frazer	Russell	Thomas
Browder	Mixon	St. John	Tucker
Carlton	McDowell	Simpson	Walden
Dorsey	Riddle	Stoddard	Weaver
Fletcher	Rogers (Mobile)	Swift	Wellborn

—20

*Nays:**Messrs.:*

Chesnut	Kuykendall	Starnes	Walton
Goldsmith	Mooneyham	Stephens	Woodall
Kelly	Parrish	Taylor	

—11

Mr. Thomas then moved that the vote by which the amendment offered by Mr. McDowell was adopted, be reconsidered, which motion prevailed and said vote was reconsidered.

*Yeas:**Messrs.:*

Bonner	Mixon	Simpson	Tucker
Carlton	McDowell	Stoddard	Walden
Dorsey	Rogers (Mobile)	Swift	Weaver
Fletcher	Russell	Thomas	Wellborn

—16

Nays:

Messrs.:

Browder	Kelly	Parrish	Taylor
Chesnut	Kuykendall	Starnes	Walton
Glover	Mooneyham	Stephens	Woodall
Goldsmith			

—13

Mr. Tucker moved that said bill and amendments be re-referred to the Standing Committee on Revision of Laws, which motion prevailed and said bill and amendment were re-referred by the President of the Senate to the Standing Committee on Revision of Laws.

The bill:

S. 57. To authorize, require and provide for payment of the sum of Eighteen Hundred Eighty Dollars (\$1,880.00) for the relief of F. H. Gilliam, former Tax Collector of Madison County, said sum being an amount paid by him to the State of Alabama on charges made against him in a report of an examination of his office, for being delinquent 188 days in making final settlement with the State.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Thomas
Browder	Kuykendall	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	Mooneyham	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Fletcher	Parrish	Swift	Wellborn
Frazer	Rogers (Mobile)	Taylor	Woodall
Glover	Russell		

—30

Nays:—None.

The bill:

S. 67. To amend Subdivision 21 of Section 6755 of the 1923 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Naye, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Simpson	Tucker
Browder	Mixon	Starnes	Walden
Carlton	Mooneyham	Stephens	Walton
Chesnut	McDowell	Stoddard	Weaver
Dorsey	Rogers (Mobile)	Swift	Wellborn
Frazer	Russell	Taylor	Woodall
Kelly	St. John	Thomas	

—27

Nays:—None.

The bill:

S. 73. To provide for the payment to the Sheriffs of the several Counties of the State out of the State Treasury certain fees for service in the feeding of prisoners, and to repeal an Act of the Legislature approved July 10, 1935, entitled "An Act to provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923" (General Acts 1935, page 595).

Was taken up.

Mr. Parrish moved that further consideration of said bill be postponed until the 29th Legislative day.

Mr. Simpson moved to table the motion to postpone and the motion was tabled.

Yeas, 14; Nays, 13.

Yeas:

Messrs.:

Bonner	Mooneyham	Simpson	Tucker	
Dorsey	McDowell	Starnes	Weaver	
Fletcher	Rogers (Mobile)	Swift	Wellborn	
Frazer	Russell			—14

Nays:

Messrs.:

Carlton	Parrish	Stephens	Thomas	
Chesnut	Riddle	Stoddard	Walton	
Kelly	St. John	Taylor	Woodall	
Mixon				—13

Mr. Kelly moved that further consideration of said bill be indefinitely postponed.

Mr. Simpson moved that the motion to indefinitely postpone be laid on the table, which motion was lost.

Yeas, 14; Nays, 14.

Yeas:

Messrs.:

Bonner	Mooneyham	Simpson	Tucker	
Dorsey	McDowell	Starnes	Weaver	
Fletcher	Rogers (Mobile)	Swift	Wellborn	
Frazer	Russell			—14

Nays:

Messrs.:

Carlton	Mixon	Stephens	Thomas	
Chesnut	Parrish	Stoddard	Walton	
Kelly	Riddle	Taylor	Woodall	
Kuykendall	St. John			—14

Said vote being a tie, the Lieutenant-Governor and President of the Senate voted "No." and the Senate refused to table the motion to indefinitely postpone.

The question then recurred on the motion of Mr. Kelly to indefinitely postpone said bill, which motion prevailed and the bill was so postponed.

Yeas, 15; Nays, 14.

Yeas:

Messrs.:

Carlton	Kuykendall	St. John	Thomas	
Chesnut	Mixon	Stephens	Walton	
Glover	Parrish	Stoddard	Woodall	
Kelly	Riddle	Taylor		—15

Nays:

Messrs.:

Bonner	Mooneyham	Simpson	Tucker	
Dorsey	McDowell	Starnes	Weaver	
Fletcher	Rogers (Mobile)	Swift	Wellborn	
Frazer	Russell			—14

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 23. Relative to two Houses adjourning today to meet again Tuesday, March 10th, 1936, at 10 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

By Mr. Woodall:

S. 6. To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, undertaken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Commissioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient; to provide for the manner of issuance of said warrants, the

rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

Also:

By Mr. Woodall:

S. 7. To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants of certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

Also:

By Mr. Mooneyham:

S. 25. To prescribe the fees and commissions to be allowed the Tax Collectors and Tax Assessors for assessing and collecting all special County or District taxes levied for school purposes in all Counties of this State having a population of not less than eighty thousand persons and not more than one hundred thousand persons, according to the last Federal census or any subsequent Federal census.

Also:

By Mr. Thomas:

S. 29. To require the Court of County Commissioners, or like governing body of Chilton County, to appropriate annually out of the general fund of the County a sum not less than Three Thousand (\$3,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Chilton County Health Department for the establishment, maintenance and operation of a health department in said county.

Also:

By Mr. Thomas:

S. 30. To require the Court of County Commissioners or like governing body of Chilton County Alabama to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County Agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, an Assistant County Agricultural

Agent in 4-H Club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect.

Also:

By Mr. Chesnut:

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills:

By Mr. Welch:

H. 65. To amend Section 34 of an Act entitled An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

Also:

By Mr. Tolbert:

H. 151. To allow the Sheriff of DeKalb County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

To allow the Sheriff of DeKALB COUNTY, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Sheriff of DeKalb County is hereby allowed an additional deputy to the deputies now provided by law, which said deputy shall receive a salary of Twelve Hundred (\$1200.00) Dollars per annum, to be paid in twelve equal monthly installments out of the General Funds of said County; that said deputy sheriff shall be eligible to perform the duties of deputy sheriff anywhere in said County.

Section 2. That on the first day of each month a statement of the name and amount due said deputy sheriff shall be furnished to the Board of Revenue by the Sheriff and it shall thereupon be the duty of the said County to order a warrant drawn upon the General Funds of the County payable to said deputy sheriff for the amount of one month's salary as hereinabove provided.

Section 3. That all laws and parts of laws in conflict with this Act are hereby expressly repealed, and this Act shall be in full force and effective from the date of its approval by the Governor.

STATE OF ALABAMA
DEKALB COUNTY

Personally appeared before me the undersigned, a Notary Public in and for said County and State, E. O. Davidson, Publisher of The Fort Payne Journal, a newspaper in and for said County and State, who after being duly sworn, states on oath that the advertisement, a true copy of which is hereto attached, was published in said newspaper in the issues of January 15, 22, 29, and Feb. 5, 1936

E. O. DAVIDSON,
Publisher.
Sworn to and subscribed before me this 8th day of February, 1936.
OZELLE, GREEN,
Notary Public.

(SEAL)

Also:

By Mr. Connor:

H. 170. To amend section 8 of an act entitled, "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of driver's licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide

for the compensation of the officers and agents so employed," approved September 2, 1935.

Also:

By Mr. Hodges:

H. 181. To provide for the election of three school trustees for each school in Fayette County, Alabama, and to prescribe their authority and duties.

With notice and proof thereto attached and herewith exhibited as follows:

The Fayette County Board of Education have endorsed a local bill to be introduced in the Legislature to provide for the election of three school trustees from each school every two years. Following is a copy of the bill to be presented.

AN ACT

To provide for the election of three school trustees for each school in Fayette County, Alabama, and to prescribe their authority and duties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That on the first Saturday in April, 1936, and on the first Saturday in March every two years thereafter, three School Trustees shall be elected by the patrons of each school in Fayette County, Alabama. The County Superintendent of Education shall appoint three managers to hold the election at each school, who shall conduct the election in accordance with regulations prepared by the County Superintendent of Education, and by the County Board of Education. The results of said election shall be reported to the County Superintendent of Education on certificates signed by the managers of said election; provided, however, that this Act shall not apply to cities or towns in said County having city or town Boards of Education.

Section 2. That the Trustees elected under provisions of this Act, except as otherwise provided by law, shall have charge of the school buildings and grounds and shall advise with and cooperate with the County Board of Education in all matters relating to the general welfare of the school. The trustees so elected shall have the right, by unanimous vote, within fifteen days after the date of the Superintendent's notice of assignment, to refuse to accept the assignment of any teacher upon written notification to the County Superintendent of Education setting out the reason or reasons for such refusal. The Trustees so elected under this Act shall take office on Tuesday following the election.

Section 3. That whenever a vacancy occurs on the Board of School Trustees elected under the provisions of this Act, the same may be filled by the County Board of Education. The County Board of Education may remove any School Trustee elected under the provisions of this Act for misconduct or wilful neglect of duties.

Section 4. That all laws, or parts of law, in conflict with the provisions of this Act, insofar as they relate to Fayette County, Alabama, be and the same are hereby repealed.

Section 5. The Trustees so elected shall be residents of the community served by the school, and shall be qualified voters of Fayette County, Alabama.

Section 6. Said Trustees shall serve without pay, and the managers holding the elections provided for in this Act shall also serve without pay.

Section 7. This Act shall become effective on its approval.
(4t.—Feb. 6-13-20-27).

PUBLISHER'S AFFIVADIT

THE STATE OF ALABAMA,
FAYETTE COUNTY.

Before me G. L. Smith, Notary Public in and for said County, in State aforesaid personally appeared W. B. Ford, Jr., who, being duly sworn, doth depose and say that he is publisher of THE NORTHWEST ALABAMIAN, a weekly newspaper published in the Town of Fayette, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 28th day of February 1936, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit:

No. 1, the 6th day of February 1936.

No. 2, the 13th day of February 1936.

No. 3, the 20th day of February 1936.

No. 4, the 27th day of February 1936.

W. B. FORD, JR.,
Publisher.

Sworn to and subscribed before me, this 28th day of February 1936.

G. L. SMITH,
Notary Public.

Also:

By Mr. Goodwyn:

H. 183. To authorize the Board of Revenue, County Commissioners or other like County authorities in counties having a population of not less than 75,000 nor more than 110,000 according to the last Federal Census, or any future Federal Census; to purchase and maintain a suitable automobile or automobile truck for the use of the Humane Officer of such county at the cost of said county.

Also:

By Mr. Taylor:

H. 185. To provide that in all counties in the State of Alabama, having now or hereafter a population of not less than 110,000 nor more than 200,000, according to the last or any subsequent Federal census, that the Board of Health of such counties by whatever name called, shall make a monthly report of all deaths of residents of such county to the Board of Registrars of such county.

Also:

By Mr. Dominick:

H. 190. To fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same: to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said clerk of the Circuit Court of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

A NOTICE

Notice is hereby given that application will be made to the extraordinary or special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL

TO BE ENTITLED

AN ACT

To fix the Compensation or Salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for Compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the Fees, Compensation and Allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in Civil and Criminal Cases, from

whatsoever source, except Fees, Allowances, Legal Charges, Costs and Compensations payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; To provide for the payment of the Salary or Compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other Clerical Assistants and other office expenses out of the Funds of Tuscaloosa County, and to Provide Rules and Regulations for the Conducting and Operation of such office made necessary by changing the method and basis of Compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the salary or compensation of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, shall be Four Thousand and No-100 Dollars (\$4,000.00), per year, which said Four Thousand and no/100 Dollars (\$4,000.00), annual salary or compensation shall be paid out of the County Treasury of Tuscaloosa County, in equal monthly installments, at the end of each month, upon warrants drawn in the same manner as employees of Tuscaloosa County are paid.

Section 2. That when and after this Act goes into effect said Clerk of the Circuit Court of Tuscaloosa County, hereinabove referred to, shall continue to collect all legal charges, costs, fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and shall pay same into the County Treasury on the first Monday of each month thereafter, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law.

Section 3. The Board of Revenue, or like governing body, of Tuscaloosa County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Clerk of the Circuit Court of Tuscaloosa County, but the said Clerk of the Circuit Court shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries of compensation of said clerks, deputies and assistants selected by him shall not exceed Twenty Three Hundred and No-100 Dollars (\$2,300.00) per annum, The said Clerk of the Circuit Court shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at this pleasure. The salaries or compensationly instalments out of the general funds of Tuscaloosa County, upon separate warrants drawn in the same manner as other employees of Tuscaloosa County are paid.

Section 4. The Board of Revenue, or like governing body, of Tuscaloosa County, in addition to the foregoing, shall provide said Clerk of the Circuit Court of Tuscaloosa County with the necessary quarters, books, stationery, supplies, office equipment, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office.

Section 5. The salary or compensation herein fixed shall be in lieu of all fees, compensation and allowances heretofore allowed and paid to said Clerk of the Circuit Court of Tuscaloosa County, and he shall perform the services as ex officio clerk of the Inferior Court of Tuscaloosa County, Alabama, without any additional compensation or pay therefor.

Section 6. That all laws and parts of laws, both general and local, as applied to Tuscaloosa County, Alabama, in conflict with the provisions of

this Act, be, and the same are hereby repealed.

Section 7. The provisions of this Act shall go into effect on the first day of the month next succeeding its passage and approval by the Governor.

Signed:

HAYSE TUCKER,
J. C. AUSTIN,
AUBREY DOMINICK.

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, February 4, 11, 18, 25, 1936.

Bruce Shelton,
Publisher.

Subscribed and sworn to before me on this the 26th day February, 1936.

Lilla Collins,
Notary Public.

(Seal)

Also:

By Mr. Dominick:

H. 191. To amend Section 3 of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Judge of Probate and the Clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

A NOTICE

Notice is hereby given that application will be made to the Extraordinary or Special Session of the Legislature of Alabama to amend House Bill No. 525, passed by the 1935 Legislature and approved June 12, 1935, to allow an additional sum of One Thousand Dollars (\$1,000.00) per annum for salaries or compensation of clerks, deputies and assistants in the office of the Judge of Probate of Tuscaloosa County, Alabama.

Signed:

HAYSE TUCKER,
J. C. AUSTIN,
AUBREY DOMINICK,

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, February 4, 11, 18, 25, 1936

Bruce Shelton,
Publisher.

Subscribed and sworn to before me on this the 26th day of February, 1936.

(Seal)

Lilla Collins,
Notary Public.

Also:

By Mr. Dominick:

H. 192. To authorize the Board of Revenue or like Governing body of Tuscaloosa County, Alabama, to set up and create out of the general funds of said county a contingent fund not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum; to define its purposes and uses and to provide the manner of disbursement of said fund: And to prescribe when this Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

A NOTICE

Notice is hereby given that application will be made to the Extraordinary or Special Session of the Legislature of Alabama for the passage of a bill, in substance as follows:

A BILL TO BE ENTITLED AN ACT

To Authorize the Board of Revenue or like Governing Body of Tuscaloosa County, Alabama, to set up and create out of the General Funds of said County a Contingent Fund not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum; To define its purposes and uses and to Provide the Manner or Disbursement of said Fund; And to Prescribe when this Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:—

Section 1. The Board of Revenue or like governing body of Tuscaloosa County, Alabama, is hereby authorized and empowered to create and set up, out of the general funds of said County, a contingent fund of not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum, for the purpose of employing additional clerical help and assistance, and for paying taxes, fees or other items charged to or claims made against the Circuit Clerk, Tax Assessor, Tax Collector and Probate Judge or any of them by State or County Auditors or Examiners of Public Accounts.

Section 2. Payments from said funds shall made upon warrants drawn in the same manner as employees and accounts of Tuscaloosa County are paid, provided, however, that before any of said officers are allowed additional

clerical help and assistance, and before any taxes, fees or other items or claims charged against said officers are paid, satisfactory proof justifying the allowance and payment thereof must be made and presented to said Board of Revenue or like governing body, and it is entirely within their discretion as to the disbursing of said funds for said purposes, but said payments shall not, in any event, exceed the sum of One Thousand Two Hundred Dollars (\$1,200.00) per annum.

Section 3. At the beginning of each or any fiscal year or at any time during each or any fiscal year, such contingent fund of Twelve Hundred Dollars (\$1,200.00) or any part thereof may be created and set up as may be determined by the Board of Revenue or other like governing body of Tuscaloosa County.

Section 4. Any unexpended balance remaining in said contingent fund at the end of each fiscal year shall be returned to the general fund of Tuscaloosa County.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor.

Signed:

HAYSE TUCKER,
J. C. AUSTIN,
AUBREY DOMINICK,

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, February 4, 11, 18, 25, 1936.

Bruce Shelton,
Publisher.

Subscribed and sworn to before me on this the 26th day of February, 1936.

Lilla Collins.
Notary Public.

(Seal)

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 65, to the Committee on Finance and Taxation.

H. 170, to the Committee on Public Roads and Highways.

House Bills 151, 181, 183, 185, 190, 191 and 192, to the Committee on Local Legislation.

BILL INDEFINITELY POSTPONED

On motion of Mr. Kelly, the Senate indefinitely postponed further consideration of the bill:

S. 12. To repeal an act of the Legislature of Alabama of 1935 approved July 10, 1935, and entitled "An Act to provide for pay-

ment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923”.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the ninth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the ninth Legislative day approved by the Senate.

ADJOURNMENT

At 2:10 P. M., on motion of Mr. Riddle and in accordance with joint resolution heretofore adopted, the Senate adjourned until Tuesday, March 10th, 1936, at 10 A. M.

TENTH DAY

Tuesday, March 10th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Mr. St. John of Lawrence County.

ROLL CALL

Present:

Messrs.:			
Bonner	Locke	St. John	Thomas
Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Cook	Parrish	Stoddard	Weaver
Dorsey	Riddle	Swift	Wellborn
Fletcher	Rogers (Mobile)	Taylor	Woodall
Kuykendall	Russell		

—30

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. McDowell, leave of absence was granted Mr. Frazer for today.

On motion of Mr. Woodall, leave of absence was granted Mr. Kelly for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Walton:

S. 93. To require County Governing bodies to advertise for bids for road material and road machinery, and to require the purchase thereof from the lowest bidder.

Committee on Public Roads & Highways.

By Mr. Walton:

S. 94. To further regulate absentee voting.

Committee on Privileges & Elections.

By Mr. Tucker:

S. 95. To authorize and empower any municipal corporation located in Tuscaloosa County, Alabama, to use for general purposes all or any part of the funds derived by it under the provisions of an Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other Motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that there will be introduced at the Special Session of the Legislature of Alabama, to be convened on February 11, 1936, a bill in substance as follows:

A BILL TO BE ENTITLED AN ACT

To authorize and empower any municipal corporation located in Tuscaloosa County, Alabama, to use for general purposes all or any part of the

funds derived by it under the provisions of an Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil" or "crude oil," commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege excise and—or license taxes on gasoline, Woco-Pep, or any other Motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

Be it enacted by the Legislature of Alabama:

Section 1. That any municipal corporation located in Tuscaloosa County, Alabama, be and hereby is, authorized and empowered to use for general purposes all or any part of the funds derived by it under the provisions of the Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporation, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil" or crude oil," commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and—or license taxes on gasoline, Woco-Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

Section 2. This Act shall take effect upon its passage and approval by the Governor.

AUDREW DOMINICK
J. C. AUSTIN
HAYSE TUCKER

STATE OF ALABAMA, }
TUSCALOOSA COUNTY. }

Before me, S. H. Sprott, a Notary Public in and for said State and County, personally appeared Bruce Shelton, who being by me duly sworn, deposes and says:

That The Tuscaloosa News is a newspaper published in the City of Tuscaloosa, Tuscaloosa County, Alabama, and of general circulation in said City and County; that he, the said Bruce Shelton, is the publisher of said newspaper; that the publication of a certain notice, of which the foregoing is a true and exact copy, was duly published in said newspaper for four consecutive weeks appearing in regular issues of said newspaper on the 10th, 17th, and 24th days of February, 1936, and on March 2nd, 1936; that said publication was without expense to the State of Alabama.

Bruce Shelton.

Sworn to and subscribed before me this 9th day of March, 1936.

S. H. Sprott,
Notary Public.

By Mr. Tucker:

S. 96. To authorize and empower the Board of Revenue of Tuscaloosa County, Alabama, to use a portion, or so much thereof as may be necessary, of the funds which are to be paid to Tuscaloosa County, Alabama, under the provisions of Article 13, Chapter IV, of the Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to Provide for the General Revenue of the State of Alabama," for the purpose of paying interest on, and establishing a sinking fund for the retirement of, any bonds of Tuscaloosa County, Alabama, which have been sold, or which may hereafter be sold, to provide funds for paving or aiding in the paving of any public roads in Tuscaloosa County which are, or which hereafter may be, designated as State Aid Roads by the State Highway Commission of Alabama, and which State Highway Commission with State funds or State and Federal Aid funds has improved and has let contracts for paving and has paved, or which it may hereafter improve and let contracts for paving, and that all laws and parts of laws in conflict with the provisions of this Act be repealed insofar as they apply to Tuscaloosa County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the special session of the Legislature of Alabama, called for February 11, 1936, or any recess session thereof, an application will be made for the passage of a local bill in substance as follows:

AN ACT

To authorize and empower the Board of Revenue of Tuscaloosa County, Alabama, to use a portion, or so much thereof as may be necessary, of the funds which are to be paid to Tuscaloosa County, Alabama, under the provisions of Article 13, Chapter IV, of the Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to Provide for the General Revenue of the State of Alabama," for the purpose of paying interest on, and establishing a sinking fund for the retirement of, any bonds of Tuscaloosa County, Alabama, which have been sold, or which may hereafter be sold, to provide funds for paving or aiding in the paving of any public roads in Tuscaloosa County which are, or which hereafter may be, designated as State Aid Roads by the State Highway Commission of Alabama, and which State Highway Commission with State funds or State and Federal Aid funds has improved and has let contracts for paving and has paved, or which it may hereafter improve and let contracts for paving, and that all laws and parts of laws in conflict with the provisions of this Act be repealed insofar they apply to Tuscaloosa County, Alabama.

J. C. AUSTIN
AUBREY DOMINICK
HAYSE TUCKER

STATE OF ALABAMA, }
TUSCALOOSA COUNTY }

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks, viz., Feb. 11, 18, 25, March 3, 1936.

Bruce Shelton,
Publisher.

Subscribed and sworn to before me on this the 3rd day of March, 1936.

Lilla Collins,
Notary Public.

(Seal)

By Mr. Tucker:

S. 97. To provide a fund for the support of a Law Library for the Circuit Court of Tuscaloosa County, Alabama, without appropriations from the State or County Treasury, by the assessment and collection of Court costs in all actions, suits, cases and proceedings hereafter filed in or brought to the Circuit Court of Tuscaloosa County, Alabama, and to fix the custodian of said funds and to provide regulations for the purchase, custody and handling of said library.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

PUBLISHER'S AFFIDAVIT

THE STATE OF ALABAMA, }
COUNTY OF TUSCALOOSA. }

Before me, Lilla Collins, a Notary Public in and for the aforesaid County and State, personally appeared Bruce Shelton, who being by me first duly sworn, deposes and says that he is Publisher of The Tuscaloosa News, a

daily newspaper of general circulation in Tuscaloosa County, Alabama, published at Tuscaloosa, in Tuscaloosa County, Alabama, and that the following notice of intention to introduce County Library Tax Bill and apply for enactment thereof at the Special Session of the Legislature of Alabama convened on February 11, 1936, was published in The Tuscaloosa News for four consecutive weeks prior to this date, viz: in the issues bearing the following dates, February 11, 1936, February 18, 1936, February 25, 1936, and March 3, 1936, said notice so published being as follows:

Notice is hereby given that there will be introduced at the Special Session of the Legislature of Alabama, convened on February 11, 1936, a bill in substance as follows:

A BILL TO BE ENTITLED AN ACT

To provide a fund for the support of a Law Library for the Circuit Court of Tuscaloosa County, Alabama, without appropriations from the State or County Treasury, by the assessment and collection of court costs in all actions, suits, cases and proceedings hereafter filed in or brought to the Circuit Court of Tuscaloosa County, Alabama, and to fix the custodian of said funds and to provide regulations for the purchase, custody and handling of said Library.

Be it enacted by the Legislature of Alabama, as follows:

SECTION 1. That in all civil, quasi civil, criminal, quasi criminal and equity actions, suits, cases and proceedings hereafter filed in or brought by appeal, certiorari or otherwise to the Circuit Court of Tuscaloosa County, Alabama, there shall be taxed as costs the sum of Two Dollars in each and every such action, case, suit and proceeding therein, to be collected as other costs are collected and to be paid to and disbursed by the Clerk of the Circuit Court of Tuscaloosa County, Alabama; provided that in cases appealed from Recorders Courts and in divorce cases where no alimony is awarded and in all civil and equity suits and proceedings where the amount of the moneyed judgment or decree including court costs, is for less than Two Hundred Dollars only One Dollar shall be collected, and provided further that no additional sum shall be collected in any ancillary proceedings resulting from prior procedure in said Court. The sums so collected shall be expended by the Circuit Court of Tuscaloosa County by orders of the Presiding Judge thereof, for maintaining a Law Library for such Circuit Court and shall be expended only in buying law books and library furniture for the Library of the Circuit Court of Tuscaloosa County, Alabama.

TUSCALOOSA BAR ASSOCIATION.

Bruce Shelton.

Sworn to and subscribed before me on this March 5, 1936.

Lilla Collins,

(Seal)

Notary Public in and for Tuscaloosa County, Alabama.

By Mr. Simpson:

S. 98. To amend Section Eleven (11) of An Act of the Legislature of 1931, approved February 25, 1931, and entitled "An Act to provide for and regulate and control primary elections for the nomination by political parties of candidates for public office within the State of Alabama" and to repeal all laws in conflict with such section as amended.

Committee on Privileges & Elections.

By Mr. Stoddard:

S. 99. For the relief of I. R. Reddoch, Judge of Probate of Crenshaw County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA, }
CRENSHAW COUNTY. }

To the Citizens of Said County:

Notice is hereby given that, at the approaching special session of the Legislature of Alabama, I will introduce for passage and enactment into law, a Local Bill, the substance of which will be—For the relief of I. R. Reddoch, as Judge of Probate of Crenshaw County, Alabama, to reimburse said I. R. Reddoch in the sum of \$146.65, said sum having been taken from the office of Judge of Probate of said County by burglar on or about the 15th day of November 1935, and which sum said I. R. Reddoch as Judge of Probate has paid to the State Treasurer from his private funds.

This 28th day of January 1936.

W. H. Stoddard,
Senator from the Twenty-fifth Senatorial District.

AFFIDAVIT: PROOF OF PUBLICATION

State of Alabama,
Crenshaw County.

Before the undersigned Notary Public personally came J. M. McLendon, who being duly sworn says upon oath that he is Associate Publisher of a newspaper published at Luverne, Crenshaw County, Alabama, known as The Luverne Journal & News, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: Bill to reimburse Judge I. R. Reddoch sum of \$146.65, was published in said newspaper, once a week for four consecutive weeks, to-wit in the issues of said newspaper dated: January 29, 1936, February 5, 1936, February 12, 1936, February 19, 1936.

J. M. McLendon.

Sworn and subscribed to before me this 3rd day of March, 1936.

J. W. Reynolds,
Clerk Circuit Court.

My commission expires Jan. 1941.

By Mr. Stoddard:

S. 100. To fix the open season for shooting doves in Crenshaw County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA, }
 CRENSHAW COUNTY. }

To the Citizens of Said County:

Notice is hereby given that, at the approaching special session of the Legislature of this State, I will introduce for passage and enactment into law, a Local Bill, the substance of which will be:—To amend the game law of the State by making the open season of doves to begin on the 21st day of September and end on the 20th day of February of each year; said amendment to apply only to Crenshaw County.

This 28th day of January 1936.

W. H. Stoddard,
 Senator from the Twenty-fifth Senatorial District

AFFIDAVIT: PROOF OF PUBLICATION

State of Alabama, Crenshaw County:

Before the undersigned Notary Public personally came J. M. McLendon, who being duly sworn says upon oath that he is Associate Publisher of a newspaper published at Luverne, Crenshaw County, Alabama known as The Luverne Journal & News, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: Bill to Amend Game Laws for Crenshaw County, Ala., was published in said newspaper, once a week for four consecutive weeks, to-wit in the issues of said newspaper dated: January 29, 1936, February 5, 1936, February 12, 1936, February 19, 1936.

J. M. McLendon.

Sworn and subscribed to before me this 3rd day of March, 1936.

J. W. Reynolds,
 Clerk Circuit Court.

My commission expires Jan. 1941.

By Mr. Swift:

S. 101. Providing for interest rates, collection charges and attorney's fees on loans not exceeding \$1,000.00 and payable in installments; and to repeal all laws and parts of laws, general, special, local and private, in conflict with the provisions of this act.
 Committee on Finance & Taxation.

By Mr. Walden:

S. 102. To accept the provisions of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; to provide for the State of Alabama to qualify for all of the purposes and benefits as specified in said Act; to authorize the State to make such plans as are necessary for carrying out the purposes of the Act; and to designate the Extension Service of the Alabama Polytechnic Institute as the agency of the State to administer said Act.

Committee on Agriculture.

By Mr. Walden:

S. 103. To authorize and require the Board of Revenue, or like governing body, of Houston County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery to such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil," or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon on all such motor fuels delivered for sale or use in or sold in such county; To authorize said Board of Revenue, or like governing body, of said County to provide the necessary rules, regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity or volume basis; to repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following bill will be introduced at the Special Session of the Alabama Legislature convening in 1936.

A BILL TO BE ENTITLED AN ACT

To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations and refiners selling, delivering withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any in-

incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Houston County, Alabama may for the purpose of constructing and maintaining public roads, streets, bridges and ferries in Houston County, Alabama, levy and collect a privilege tax of not more than one cent per gallon on all gasoline, naptha, and other liquid motor fuels or any device or substitutes therefor, commonly used in internal combustion engines provided, however, that nothing contained herein shall be held to apply to those products known commercially as "kerosene oil," "fuel oil," or "crude oil," commonly used for lighting, heating or industrial purposes, sold or delivered in said County, for the privileges of selling or deliverig same.

Section 2. That said Board of Revenue may also provide rules and regulations and machinery for the collection of such privilege tax, and provide penalties for the violation of such rules and regulations.

Section 3. All of the net proceeds of said privilege tax collected within the corporate limits of any incorporated City or Town in Houston County, Alabama, shall be paid over to such incorporated city or town each month as collected.

Section 4. After the passage and approval of this Act, it shall be unlawful for any incorporated city or town in said Houston County, Alabama, to levy or collect a privilege license or excise tax on said motor fuels, or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis. All municipal privilege, excise and or license taxes on gasoline, Woco-Pep, or any other motor fuel used by self-propelled vehicles now being levied or collected by any incorporated city or town in said county are hereby expressly repealed.

Section 5. That all such privilege taxes to be levied or imposed under this Act, and the money derived therefrom shall be used exclusively for the purpose of constructing and maintaining public roads, streets bridges and ferries in said County of Houston, and any incorporated city or town therein.

Section 6. This Act shall take effect on the first of the month next succeeding its passage and approval.

Dave A. Walden.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA, }
HOUSTON COUNTY. }

Personally appeared before the undersigned, a Notary Public in and for said county and state L. S. Deal Editor Manager of the Houston Herald, a newspaper published at Dothan, in Houston County, Alabama, who deposes and says on oath that a copy of the, attached advertisement appeared once a week for four consecutive weeks on the following dates Feb. 13-20-27, and March 5, 1936 in The Houston Herald.

(Signed) L. S. Deal,
Editor-Manager, The Houston Herald.

Sworn to and subscribed before me this the 9th day of March 1936.
Maude Baugham,
Notary Public.

By Mr. Dorsey:

S. 104. To propose an amendment to the Constitution of Alabama, to be known as Article _____ authorizing the Legislature to levy an income tax for the calendar year 1936, and for each year thereafter; to prescribe maximum rate of said income tax; to provide minimum exemptions; to provide that income shall not be considered property for tax purposes, and to provide that the Legislature shall reduce the ad valorem tax, when the revenue derived from the income tax will justify; and annulling "Article XXII" amending the Constitution of Alabama of 1901.

Committee on Constitution and
Constitutional Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Dorsey:

S. 105. In reference to and to further provide for the general revenue of the State of Alabama.

Committee on Finance and Taxation.

REPORT OF COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Langdon (with notice and proof):

H. 50. To authorize the Board of County Commissioners, or like governing body, of Pickens County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of County Commissioners, or like governing body, of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provisions for the distribution of the funds derived from said privilege

tax; To prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act; and to provide when this Act shall become effective.

By Mr. Langdon (with notice and proof):

H. 51. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privileges tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof".

By Mr. Kuykendall (with notice and proof):

S. 83. To authorize and require the County Board of Education of Walker County, Alabama, to take over and assume the indebtedness of the Town of Cordova, evidenced by outstanding warrants or bonds issued by the Town of Cordova prior to September 20, 1927, which indebtedness was incurred and created in the erection of the Bankhead High School Building, a public school building in said town.

By Mr. Tolbert (DeKalb) (with notice and proof):

H. 151. To allow the Sheriff of DEKALB COUNTY, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments.

By Mr. Goodwyn:

H. 183. To authorize the Board of Revenue, County Commissioners or other like County authorities in counties having a population of not less than 75,000 nor more than 110,000 according to the last Federal Census, or any future Federal Census; to purchase and maintain a suitable automobile or automobile truck for the use of the Humane Officer of such county at the cost of said county.

By Mr. Taylor:

H. 185. To provide that in all counties in the State of Alabama having now or hereafter a population of not less than 110,000 nor more than 200,000, according to the last or any subsequent Federal census, that the Board of Health of such counties by whatever

name called, shall make a monthly report of all deaths of residents of such county to the Board of Registrars of such county.

By Mr. Woodall (with notice and proof):

S. 92. To allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies or resigns.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 6. To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, undertaken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Commissioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient; to provide for the manner of issuance of said warrants, the rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

S. 7. To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants of certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

S. 25. To prescribe the fees and commissions to be allowed the Tax Collectors and Tax Assessors for assessing and collecting all special County or District taxes levied for school purposes in all Counties in this State having a population of not less than eighty thousand persons and not more than one hundred thousand persons, according to the last Federal census or any subsequent Federal census.

S. 29. To require the Court of County Commissioners, or like governing body of Chilton County, to appropriate annually out of the general fund of the County a sum not less than Three Thousand (\$3,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Chilton County Health Department for the establishment, maintenance and operation of a health department in said county.

S. 30. To require the Court of County Commissioners or like governing body of Chilton County Alabama to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, and Assistant County Agricultural Agent in 4-H Club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect.

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 48. To provide a lien for laundering, cleaning, pressing, and mending or otherwise renovating wearing apparel, household linens and articles of like kind, including hats and shoes, and to prescribe the manner of the enforcement of such lien.

Also:

H. 52. To Authorize and provide for the payment of the sum of Two Hundred and fifty dollars (\$250.00) for the relief of James W. Carpenter of Reform, Alabama, Pickens County who was injured on the 20th day of September 1934, while being transported to work for said County.

Also:

H. 82. To provide for and regulate the service of persons summoned for jury duty in the circuit courts in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to regulate the excusing of persons summoned for jury service in such courts in such counties, and to provide for the performance of jury duty by persons summoned for such duty at a time subsequent to that for which they were originally summoned; and to provide for the fees of persons summoned for jury duty who are excused and required to perform jury duty at such subsequent time.

Also:

H. 83. To regulate and fix the rules in regard to motions for new trials in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal Census; and without limiting or derogating from the generality and comprehensiveness of the foregoing portion of this title, to fix, declare and keep such courts in such counties always open for the filing of, presenting and calling to the attention of the court, continuing, hearing and deciding motions for new trials; and to fix the time within which motions for new trials may be filed, presented and called to the attention of the court, continued, etc., in such courts in such counties.

Also:

H. 120. To require the Court of County Commissioners of Escambia County, Alabama, to levy a special tax of one-twentieth of One per cent, on all taxable property in said county as assessed

for state taxation for the tax year commencing October 1st, 1935, and subsequent years, to be used for Public Health Work in Escambia County; to provide that the total levy in any one year shall not exceed one-half of one per cent., exclusive of levies for public buildings or bridges; to fix said special tax of one-twentieth of one per cent. assessed for public health work as Escambia County's contribution to the budget of the Escambia County Health Department; and to provide to whom said special tax shall be paid, and how the same shall be disbursed.

Also:

H. 130. To provide that all persons in Covington County, Alabama be relieved from all legal obligations to work on the public roads or to pay any money in lieu of such obligation to work on the public roads in said county, and to prohibit the levy and collection of a per capita road tax in said County.

Also:

H. 143. To abolish the fine and forfeiture fund of Conecuh County, Alabama; to provide for the payment into the general fund of said County of all moneys which under existing laws, or laws hereafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Conecuh County shall, in the future, be paid out of the general fund of said County; to fix the priorities of said Claims; to provide for the registration of same; to regulate the payment of same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Also:

H. 144. To provide for the relief of J. R. Kelley, and to authorize the Board of Education of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

Also:

H. 146. To provide for the relief of J. R. Kelley, and to authorize the Board of Revenue of Conecuh County to audit and allow his claim, and to provide for the payment thereof.

Also:

H. 152. To authorize and empower the Court of County Revenue of Franklin County, Alabama, to apply to, and expend on State and or State and Federal aid highways, within said County in said State, any part or all of the funds of said County derived from the excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama and paid to said County in the construction or repair of said

highways, in connection with other funds contributed or expended by the State of Alabama and or the Federal Government, or otherwise, and to authorize and empower the said Court of County Revenue of said County to enter into contracts for said construction or repair of said highways with the State of Alabama and or the Federal Government. Also to authorize and empower the Court of County Revenue of said Franklin County to borrow money for the purpose of constructing or repairing State and or State and Federal highways within said County and to pledge as security therefor, any or all of the said excise tax on gasoline or other liquid motor fuels heretofore levied or that may hereafter be levied and collected by the State of Alabama, and paid to said Franklin County as security for said loan or loans, and to provide for the issuance of interest bearing warrants to secure and liquidate said loans; provided however, that \$9,960.00 per year of said excise tax shall not be affected by this Act, but shall be applied on bonded indebtedness of the County as provided by a Local Act for said County.

Also:

H. 153. To amend an act entitled An Act: "To require twenty per cent of the total funds received by Franklin County from the levy and collection by the State of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the \$227,000.00 in bonds of said county, requiring the County Treasurer of said County to set aside said fund for said purpose; authorizing the Commissioners Court or Board of Revenue of said County to purchase and retire before maturity said bonds or any portion thereof, with said fund; providing that on final payment and retirement of said bonds, all such funds received by said County from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama; and providing the time when this Act shall take effect. Approved by the Governor on June 6th, 1935, so as to make said Act read as follows: An Act To require the Treasurer or other legal custodian of the funds of Franklin County, Alabama, to set aside out of the excise tax on gasoline or other liquid motor fuels, collected by the State of Alabama and paid to the County of Franklin usually known as the gasoline tax, the sum of \$9,960.00 per year as a sinking fund, for the retirement of the \$227,000.00 of outstanding road bonds against said County; to provide the manner of setting aside the same and requiring the Court of County Commissioners to use said sinking fund in the purchase and retirement of said bonds, and providing the time when this Act shall take effect.

Also:

H. 154. To authorize the payment of the per diem and mileage of the members of the Court of County Revenue of Franklin County, Alabama, out of the excise gas tax of the county, when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in the county.

Also:

H. 160. To provide for an additional allowance for clerical assistance in the office of the Register of the Circuit Court of Mobile County, Alabama, and to provide for the payment of said allowance.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Robertson (Cullman):

H. 205. To require the Court of County Commissioners or Board of Finance and Control of Cullman County, Alabama, or other like governing body of said county to pay for the publishing of the notices of each and every local bill, for or which applies alone to the said County of Cullman, which is hereafter introduced at present session or any subsequent session of the Legislature of Alabama, when said bill is passed and becomes a law; and providing payment of the same out of money in the general fund of said county not otherwise appropriated, and providing the method of filing such claim.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To require the Court of County Commissioners or Board of Finance and Control of Cullman County, Alabama, or other like governing body of said county to pay for the publishing of the notices of each and every local bill, for or which applies alone to the said County of Cullman, which is hereafter introduced at present session or any subsequent session of the Legislature of Alabama, when said bill is passed and becomes a law; and providing payment of the same out of money in the general fund of said county not otherwise appropriated, and providing the method of filing such claim.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Court of County Commissioners or Board of Finance and Control of Cullman County, Alabama, or other like governing body of said County, is hereby required to pay for the publishing of the notices of each and every local bill, for or which applies alone to the said County of Cullman, which is hereafter introduced at said session or any subsequent session of the Legislature of Alabama, provided said bill is subsequently enacted into and becomes a law; and upon the filing of a sworn claim as required by law, the governing body of said county is authorized to use any moneys in the general fund of said county to pay the same not otherwise appropriated.

Section 2. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 3. This act to take effect upon its passage and approval by the Governor.

THE STATE OF ALABAMA, }
CULLMAN COUNTY. }

Before me Florence McNabb a Notary Public in and for said County and State, personally appeared Maurice Norwood, Publisher of THE CULLMAN TRIBUNE, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for 4 successive weeks and being in the issues of said newspaper of the following dates, viz: February 6, 13, 20 and 27, 1936.

Maurice Norwood,
Publisher.
Sworn to and subscribed before me this the 29 day of Feb. 1936.
Florence McNabb,
Notary Public.

Also:

By Messrs. Kirby and O'Neal:

H. 210. To repeal an Act to authorize the Board of Revenue, County Commissioners or other like governing body of Jackson County, Alabama, to levy and collect an excise tax on gasoline, woco pep or any substitute therefor, not to exceed three cents per gallon. To authorize such Court of County Commissioners Board of Revenue or other like governing body of said County to provide the necessary machinery for collecting said tax for the distribution

of said tax to prohibit any incorporated city or town in said County from levying municipal tax on said gasoline, woco pep or any substitute therefor which may be levied by any incorporated city or town in said County to provide for the use of said excise tax and to provide a penalty for the failure to pay the said tax required of the said governing board of said County on page 185 of the local Acts of 1927 and approved August 11, 1927.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LEGISLATION

There will be introduced at the coming special session of the Alabama Legislature a bill to repeal local bill passed by the Legislature in 1927, and approved by the Governor August 11th, 1927, to allow the County Commissioners of Jackson County, Alabama to levy a tax of three cents a gallon on gasoline.

STATE OF ALABAMA, JACKSON COUNTY.

Before me, Rachel Gold, a notary public in and for said county and state, personally appeared P. W. Campbell, who is known to me to be the editor and manager of The Jackson County Sentinel, a newspaper published weekly at Scottsboro, Alabama, who states under oath that the attached notice of Special Legislation for Jackson County, Alabama, was published in said newspaper four consecutive issues, to-wit:

January 30, Feb. 6, 13, 20, 1936.

P. W. Campbell,
Manager The Sentinel.

Sworn to and subscribed before me, this March 4, 1936.

(Seal)

Rachel Gold,
Notary Public.

Also:

By Mr. Toomer:

H. 197. To authorize the City of Auburn, through its duly constituted officers and when approved by the City Council, to sell and dispose of any or all of the following described property lying in said city in Lee County, Alabama: A piece or parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 160 feet, the western boundary of said land, being 156.5 feet east of the eastern line of College Street, in the City of Auburn, and to ratify and confirm any sales of parts thereof which may have heretofore been made by said city.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL LAW RELATING TO CONVEY-
ANCE OF PROPERTY IN AND OF THE CITY OF
AUBURN, ALABAMA

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its pending extraordinary or special session for the passage and enactment of a law in words and figures, as follows, to wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the City of Auburn, through its duly Constituted Officers and when approved by the City Council, to sell and dispose of any or all of the following described property lying in said City in Lee County, Alabama,

A piece or parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 160 feet, the western boundary of said land, being 156.5 feet east of the eastern line of College Street, in the City of Auburn,

And to Ratify and Confirm any Sales or Parts thereof which may have heretofore been made by said City.

BS IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The City of Auburn, Alabama, is hereby authorized to sell and dispose of, for such price and upon such terms as may be approved by the City Council, all or any part of the following described property located in said City, which property was formerly used for school purposes but is no longer used or needed therefor:

A piece or parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 160 feet, the western boundary of said land, 156.5 feet east of the eastern line of College Street in the City of Auburn, Lee County, Alabama.

Section 2. All conveyances of any portion of said property heretofore made by said City, through its duly constituted officers, are hereby ratified and confirmed.

Section 3. Should any section, sentence or clause of this act be declared unconstitutional or void for any reason, same shall not affect any of the remaining portions of said act.

The State of Alabama,
Lee County.

Before me, Louise Hall, a Notary Public, in and for said County, in said State, personally appeared W. C. Wear, who is known to me and who being first duly sworn deposes and says that he is the Business Manager of Opelika Daily News, and that same is a newspaper published in Opelika, Lee County, Alabama, and is of general circulation; that the notice, copy of which is hereto attached, and marked Exhibit A and made a part hereof, appeared in the identical words and figures as the same here appears, in the regular issues of said newspaper, on dates as follows, to-wit: February 7th, 1936; February 14th, 1936; February 21st, 1936 and February 28th, 1936, and that, he has personal knowledge of the statements herein made and makes same upon such knowledge.

W. C. Wear.

Sworn to and subscribed before me, this the 29th day of February 1936.
 Louise Hall,
 Notary Public, Lee County, Alabama.

Also:

By Mr. Walker:

H. 175. To amend Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office", by providing an expense allowance to said Superintendent of Education.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby that a local law for Limestone county providing that certain necessary expenses of the county superintendent of Limestone county incurred in pursuit of his official duties shall be paid as is the salary of said superintendent, providing however that such expenses shall not exceed three hundred dollars per calendar year, will be introduced at the proposed special session of the Alabama legislature.

R. H. WALKER.

THE STATE OF ALABAMA }
 MONTGOMERY COUNTY }

Before me, the undersigned authority in and for said State and County, personally appeared R. H. Walker, who, being first duly sworn, deposes and says:

That he is Editor and Publisher of The Limestone Democrat, a weekly newspaper published in Athens, Limestone County, Alabama; that the above and foregoing notice was published in said paper in the issues of January 30th, February 6th, 13th and 20th, 1936.

R. H. WALKER.

Sworn to and subscribed before me on this the 27th day of February, 1936.

JULIA KLENGE,
 Notary Public.

Also:

By Mr. Walker:

H. 176. To amend Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations".

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at a proposed special session of the legislature of Alabama, to be called by Governor Graves, a bill will be introduced which will amend the special act permitting the court of county commissioners, or other governing body of Limestone county to levy a special tax on gasoline not to exceed three cents. The proposed amendment will provide that the question of continuing said tax will be submitted to the qualified voters of Limestone county at the general election to be held in November, 1936, and providing further that the county board of revenue shall be governed by the wishes of a majority of the voters of Limestone county as expressed on the subject at said election in November, 1936.

R. H. WALKER.

THE STATE OF ALABAMA }
MONTGOMERY COUNTY }

Before me, the undersigned authority in and for said State and County, personally appeared R. H. Walker, who, being first duly sworn, deposes and says:

That he is Editor and Publisher of The Limestone Democrat, a weekly newspaper published in Athens, Limestone County, Alabama; that the above and foregoing notice was published in said newspaper for four consecutive weeks in the issues of January 30th, February 6th, 13th, and 20th, 1936

R. H. WALKER.

Sworn to and subscribed before me on this the 27th day of February, 1936

JULIA KLENGE,
Notary Public.

Also:

By Mr. Langdon:

H. 232. To relieve all Persons in any Municipality, In Pickens County, Alabama, of and from any and all legal obligation to work on the streets, in any municipality of Pickens County, Ala., or to pay any money in lieu of such obligation. To prohibit the levying or collecting of Street Tax, whether the same is now due or is hereafter to become due.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PUBLICATION

Notice is hereby given that I will introduce in the special session of the Alabama Legislature, to be held in 1936, a Bill in substance as follows: A Bill to be entitled an Act:

To relieve all persons in any municipality, in Pickens County, Ala., of and from any and all legal obligation to work on the streets, in any municipality of Pickens County, Ala., or to pay any money in lieu of such

obligation. To prohibit the levying or collecting of street tax, whether the same is now due or is hereafter to become due.

R. G. LANGDON,
Representative.

THE STATE OF ALABAMA, }
PICKENS COUNTY }

Before me, Jack M. Pratt, a Notary Public in and for said County, personally appeared Thalia F. Pratt, Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows: February 6th, 1936, February 13th, 1936, February 20th, 1936, February 27th, 1936.

Subscribed and sworn to before me, this the 2nd day March, 1936.
Thalia F. Pratt.
Jack M. Pratt,
Notary Public.

Also:

By Mr. Langdon:

H. 231. To require the Commissioners Court, or like governing Body of Pickens County, Alabama, to approve and pay for advertising the notice and substance of local bills to be introduced in the legislature for said county, when due proof has been made of the correctness of the charges for advertising as other claims against the county are. This act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the legislature. This Act shall apply to Local Bills only that have the approval of the Representative of Pickens County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PUBLICATION

Notice is hereby given that I will introduce in the special session of the Alabama Legislature, to be held in 1936, a Bill in substance as follows: A Bill to be entitled an Act:

To require the Commissioners Court, or like governing body of Pickens County, Ala., to approve and pay for advertising the Notice and substance of local bills to be introduced in the legislature for said county, when due proof has been made of the correctness of the charges for advertising as other claims against the county are. This act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the legislature. This act shall apply to local bills only that have the approval of the representative of Pickens County.

R. G. LANGDON,
Representative.

THE STATE OF ALABAMA, }
PICKENS COUNTY }

Before me, Jack M. Pratt, a Notary Public in and for said County, personally appeared. Thalia F. Pratt Publisher of The Pickens County

Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows: February 6th, 1936, February 13th, 1936, February 20th, 1936, February 27th, 1936.

Thalia F. Pratt.

Subscribed and sworn to before me this the 2nd day of March, 1936.

Jack M. Pratt,
Notary Public.

Also:

By Mr. Langdon:

H. 233. To relieve all persons in Pickens County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in Pickens County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

Notice is hereby given, that I will introduce in the extra or special session of the Alabama Legislature, to be called during the year 1936, a Bill in substance as follows:

A Bill to be entitled An Act: To relieve all persons in Pickens County, Ala., of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in Pickens County, Alabama.

Robert G. Langdon,
Member of the Legislature.

THE STATE OF ALABAMA, }
PICKENS COUNTY }

Before me, Lizette Lipsey, a Notary Public in and for said County personally appeared Thalia F. Pratt Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows: January 23rd, 1936, January 30th, 1936, February 6th, 1936, February 13th, 1936.

Subscribed and sworn to before me, this the 2nd day of March, 1936.

Thalia F. Pratt,
Lizette Lipsey,
Notary Public.

Also:

By Mr. Henson:

H. 235. To prohibit fishing or catching fish from the waters in Washington County, Alabama, on Sunday, and to provide for its enforcement and penalties for its violation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill, or the following bill in substance, will be introduced in the Legislature of Alabama for enactment into law upon the publication of it for the required length of time:

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One: That it shall be unlawful for any person to take or catch fish in any of the waters of Washington County, Alabama, on Sunday.

Section Two: That any person violating the provision, shall be fined not less than \$10.00 nor more than \$100.00 for each offense, which fine shall be paid in the lawful money of the United States.

Section Three: That it is hereby made the duty of the Sheriff and of the Game Warden to enforce the provisions of this law and of the law prohibiting shooting and hunting on Sunday.

Notice given on the 8th day of February, 1936.

L. T. Henson.

State of Alabama,
Washington County.

I, Matt L. Blount, Publisher, of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the attached Notice, as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated Feb. 13, 1936, and ending with the issue dated March 5, 1936. I further certify that I have the right and authority to make this affidavit.

Matt L. Blount,
Publisher.

Sworn to and subscribed before me on this, the 5th day March 1936.

Janice W. Blount,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

House bills 205, 210, 197, 175, 176, 232, 231, 233 and 235, to the Committee on Local Legislation.

RESOLUTION

The Rules Committee reported the following joint resolution:

S. J. R. 24. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they

adjourn to meet again on Wednesday, March 11, 1936 as ten o'clock.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

RE-CONSIDERATION OF VOTE

Mr. St. John moved that the vote by which the Senate on the last Legislative day, March 6th, 1936, indefinitely postponed the bill:

S. 12. To repeal an act of the Legislature of Alabama of 1935 approved July 10, 1935, and entitled "An Act to provide for payment to the Sheriffs of the several Counties of the State for service in preparing food of prisoners, serving food of prisoners and other services incident to the feeding of prisoners, not including the food to be served to prisoners, and to specifically repeal Section 4828 of the Code of Alabama of 1923".

Be re-considered.

Mr. Stoddard moved to postpone the motion to re-consider, which motion was lost.

Yeas, 12; Nays, 18.

Yeas:

Messrs.:

Carlton	Kuykendall	Riddle	Thomas
Chesnut	Mixon	Stephens	Walton
Cook	Parrish	Stoddard	Woodall

—12

Nays:

Messrs.:

Bonner	Mooneyham	Simpson	Tucker
Browder	McDowell	Starnes	Walden
Dorsey	Rogers (Mobile)	Swift	Weaver
Fletcher	Russell	Taylor	Wellborn
Locke	St. John		

—18

And the motion of St. John to re-consider the vote by which the Senate indefinitely postponed said bill then prevailed, and said vote was re-considered.

Yeas, 18; Nays, 12.

Yeas:

Messrs.:

Bonner	Mooneyham	Simpson	Tucker
Browder	McDowell	Starnes	Walden
Dorsey	Rogers (Mobile)	Swift	Weaver
Fletcher	Russell	Taylor	Wellborn
Locke	St. John		

—18

Nays:

Messrs.:

Carlton	Kuykendall	Riddle	Thomas
Chesnut	Mixon	Stephens	Walton
Cook	Parrish	Stoddard	Woodall

—12

Mr. Stoddard then moved that further consideration of said bill be postponed until the next Legislative day.

Mr. Simpson moved to table the motion to postpone and said motion was tabled.

Yeas, 18; Nays, 11.

Yeas:

Messrs.:

Bonner	Mooneyham	Simpson	Tucker
Browder	McDowell	Starnes	Walden
Dorsey	Rogers (Mobile)	Swift	Weaver
Fletcher	Russell	Taylor	Wellborn
Locke	St. John		

—18

Nays:

Messrs.:

Carlton	Kuykendall	Riddle	Walton
Chesnut	Mixon	Stephens	Woodall
Cook	Parrish	Stoddard	

—11

PAIR ANNOUNCED

Mr. Thomas announced that he and Mr. Frazer were paired on this vote; that Mr. Frazer, if present, would not "aye" and he, Mr. Thomas, would vote "no."

The Chair holding that said bill was engrossed and read a third time at length on the last legislative day, the question now was on the passage of said bill, and the bill was lost, by failure to receive the Constitutional majority.

Yeas, 18; Nays, 11.

Yeas:

Messrs.:

Bonner	Mooneyham	Simpson	Tucker
Browder	McDowell	Starnes	Walden
Dorsey	Rogers (Mobile)	Swift	Weaver
Fletcher	Russell	Taylor	Wellborn
Locke	St. John		

—18

Nays:

Messrs.:

Carlton	Kuykendall	Riddle	Walton
Chesnut	Mixon	Stephens	Woodall
Cook	Parrish	Stoddard	

—11

PAIR ANNOUNCED

Mr. Thomas announced that he and Mr. Frazer were paired on this vote; that Mr. Frazer, if present, would vote "aye" and he, Mr. Thomas, would vote "no."

Mr. Tucker appealed from the ruling of the Chair in holding said bill lost by failure to receive the required Constitutional majority, and the question was "Shall the ruling of the Chair be sustained?" and such ruling was sustained.

Yeas, 19; Nays, 11.

Yeas:

Messrs.:

Bonner	Fletcher	Parrish	Thomas	
Browder	Kuykendall	Riddle	Walton	
Carlton	Mixon	St. John	Weaver	
Chesnut	Mooneyham	Stephens	Woodall	
Cook	McDowell	Stoddard		—19

Nays:

Messrs.:

Dorsey	Russell	Swift	Walden	
Locke	Simpson	Taylor	Wellborn	
Rogers (Mobile)	Starnes	Tucker		—11

RECESS

At 2:10 P. M., on motion of Mr. Russell the Senate took a recess until 3:45 this afternoon.

TENTH DAY—AFTERNOON SESSION

Tuesday, March 10th, 1936.

The Senate re-assembled at 3:45 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Locke	St. John	Thomas	
Browder	Mixon	Simpson	Tucker	
Carlton	Mooneyham	Starnes	Walden	
Chesnut	McDowell	Stephens	Walton	
Cook	Parrish	Stoddard	Weaver	
Dorsey	Riddle	Swift	Wellborn	
Fletcher	Rogers (Mobile)	Taylor	Woodall	
Kuykendall	Russell			—30

INTRODUCTION OF BILL

Upon a call of districts a bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Mr. Swift:

S. 106. To relieve the emergency whereby the Public schools in many Counties of Alabama are unable for lack of funds to complete a seven months term for the school year of 1935-36, by appropriating the receipts from Franchise Taxes of Foreign and Domestic Corporations, as collected after the passage of this Act, for the fiscal year 1935-36 to the use of the Public Schools of Alabama, and authorizing and directing the Governor of Alabama to allocate the same to make the term of the Public Schools for 1935-36 as nearly as possible the same in the several counties of the State:—

Committee on Finance and Taxation.

BILLS ON THIRD READING

The bill:

H. 94. For the relief of S. A. Powell, and to appropriate for the use of the said S. A. Powell the sum of one hundred and twenty five dollars for the loss of a mule killed by a truck belonging to Russell County on January 28, 1935, near Hurtsboro, Alabama.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Tucker
Browder	Locke	St. John	Walden
Carlton	Mixon	Starnes	Walton
Chesnut	Mooneyham	Stephens	Weaver
Cook	McDowell	Swift	Wellborn
Dorsey	Rogers (Mobile)	Thomas	Woodall
Fletcher			

—25

Nays:—None.

The bill:

H. 64. To amend Section 3 of Article 1 of an act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 19; Nays, 9.

Yeas:**Messrs.:**

Carlton	Kuykendall	Simpson	Walden
Chesnut	McDowell	Stephens	Weaver
Cook	Parrish	Swift	Wellborn
Dorsey	Rogers (Mobile)	Taylor	Woodall
Fletcher	Russell	Tucker	

—19

Nays:**Messrs.:**

Bonner	Mixon	Riddle	Thomas
Browder	Mooneyham	St. John	Walton
Locke			

— 9

The bill:

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:**Messrs.:**

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall

—28

Nays:—None.

The bill:

S. 66. To authorize cities, towns and counties of Alabama, of 100,000 population and over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Was taken up.

The Standing Committee on Municipalities reported the following amendment to said bill to-wit:

Amend S. B. 66 by striking the figures 100,000 therefrom where they appear in the caption thereof and insert in lieu thereof the figures 6000.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Russell	Thomas
Browder	Mixon	St. John	Tucker
Carlton	Mooneyham	Simpson	Walton
Chesnut	McDowell	Stephens	Weaver
Cook	Parrish	Swift	Wellborn
Dorsey	Riddle	Taylor	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Weaver
Cook	Parrish	Stephens	Wellborn
Dorsey	Riddle	Swift	Woodall
Fletcher			

—25

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 24. Relative to the two Houses adjourning today to meet again Wednesday, March 11, 1936 at ten o'clock.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the tenth Legislative day and finds

same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the tenth Legislative day approved by the Senate.

ADJOURNMENT

At 5:20 P. M., on motion of Mr. Dorsey and pursuant to joint resolution heretofore adopted, the Senate adjourned until tomorrow morning at 10 A. M.

ELEVENTH DAY

Wednesday, March 11th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Senator Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:	Mixon	St. John	Thomas
Bonner	Mooneyham	Simpson	Tucker
Browder	McDowell	Starnes	Walden
Carlton	Parrish	Stephens	Walton
Chesnut	Riddle	Stoddard	Weaver
Dorsey	Rogers (Mobile)	Swift	Wellborn
Fletcher	Russell	Taylor	Woodall
Kelly			
Locke			

—29

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Wellborn:

S. 107. To authorize and direct the Board of Revenue of Calhoun County, Alabama to pay for advertising the notice and substance of local bills to be introduced or having been introduced in the Legislature for said County when the bill applies to the whole County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL TO BE ENTITLED AN ACT

To authorize and direct the Board of Revenue of Calhoun County, Alabama to pay for advertising the notice and substance of local bills to be introduced or having been introduced in the Legislature for said County when the bill applies to the whole County.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Calhoun County, Alabama be and is hereby authorized and directed to pay for advertising the notice and substance of local bills to be introduced in the Legislature of Alabama for said county, when due proof of the correctness of the account has been made thereof as in other cases of claims or charges are made against the county. This bill shall only apply to local bills that apply to the entire County of Calhoun.

Section 2. This bill shall apply and include the notice and substance of bills which have been advertised heretofore and those advertised prior to and during the forthcoming session of the Legislature, whether said bills have been enacted into law or not.

Section 3. All laws and parts of laws in conflict with this act be and the same are hereby repealed, insofar as they may affect Calhoun County, Alabama.

Section 4. That this act shall take effect and become a law immediately upon its passage and approval by the Governor.

STATE OF ALABAMA,
CALHOUN COUNTY.

Before me, Clara B. Wright, Notary Public in and for said state and county, personally appeared Harry M. Ayers, Publisher of The Anniston Star, a daily newspaper published in Anniston in said state and county, who being duly sworn, deposes and says that the attached notice of advertising an act to authorize the Board of Revenue to pay for advertising, was published in the Anniston Star, February 3, 10, 17 and 24, 1936.

HARRY M. AYERS.

Sworn to and subscribed to before me this the 10th day of March, 1936.

CLARA B. WRIGHT,

Notary Public.

(SEAL)

By Mr. Woodall:

S. 108. To make an appropriation for the support, maintenance and improvement of The Southern Industrial Institute.

Committee on Finance and Taxation.

By Mr. Swift:

S. 109. To amend Section XIX of an Act entitled "An Act to make appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the State, for the interest on the public debt and for the public schools," approved September 6, 1935, and appearing on page 792, et seq. of the Acts of 1935.

Committee on Finance and Taxation.

By Mr. Russell:

S. 110. To further provide for and regulate the selection of candidates for public office by political parties.

Committee on Privileges and Elections.

By Mr. Russell:

S. 111. To further provide for and regulate the election of delegates to political party conventions.

Committee on Privileges and Elections.

By Mr. Fletcher:

S. 112. To require two thirds of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefore, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One Hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

"Notice is given that it is intended to apply to the Legislature at its next special session for the passage of an Act in substance as follows:

A BILL TO BE ENTITLED AN ACT

To require two thirds of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefore, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

Be it enacted by the Legislature of Alabama:

SECTION 1: That two-thirds of the tax now levied and collected on gasoline, Woco-Pep or other substitutes therefore, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature, approved September 20, 1923, and amendments thereto, shall be used for the purpose of creating a sinking fund for the retirement of One Hundred Thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County, and for no other purpose.

SECTION 2: That the Board of County Commissioners, or like governing body, of said County shall immediately upon receipt of such funds so collected under authority of an Act of the Legislature, approved September 20, 1923, and amendments thereto, beginning on July 1, 1938, set aside two-thirds of the amount so collected in a special fund to be used only for the payment of interest on and the retirement of the principal of said bonds set out in Section 1 of this Act.

SECTION 3. The Board of County Commissioners, or like governing body, of said County, may from time to time, as the funds so set aside and accumulated may justify, purchase and retire before maturity said bonds, or any portion thereof, with the funds, so set aside.

SECTION 4: That upon the final payment of all interest on and principal of said bonds specified in Section 1 of this Act, and the retirement of same, all payments into the fund created by this Act shall cease.

SECTION 5: All laws or parts of laws in conflict herewith are hereby repealed.

SECTION 6: The provisions of this act shall take effect immediately upon its passage and approval.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of local bill to be introduced for passage in the Legislature of Alabama was published in said

newspaper once a week for four consecutive weeks, on February 5, 1936, February 12, 1936, February 19, 1936, and February 26, 1936.

JACK LANGHORNE,

Business Manager.

Sworn to and subscribed before me this the 7 day of March, 1936.

W. P. NICHOLSON,

Notary Public.

By Mr. Fletcher:

S. 113. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

"Notice is given that it is intended to apply to the Legislature at its next special session for the passage of an Act in substance as follows:

A BILL TO BE ENTITLED AN ACT

To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Be it enacted by the Legislature of Alabama:

SECTION 1: The furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile, or other conveyance, or motor fuel, or oil to any member of said governing body, for use by him in the prosecution of his duties or employment as a member of such body, or otherwise, is hereby prohibited.

SECTION 2: It shall be unlawful for any member of the Board of Commissioners, or like governing body, of Madison County, Alabama, to use any motor vehicle, or other conveyance, motor fuel, or oil furnished contrary to the provisions of Section 1 of this Act.

SECTION 3: Any member of the said Board of County Commissioners, or like governing body, of said County, violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than Ten (\$10.00) Dollars and not more than One Hundred (\$100.00) Dollars, and shall be subject to impeachment.

SECTION 4: All laws or parts of laws in conflict with the provisions herewith are hereby repealed.

SECTION 5: This Act shall become effective immediately upon its passage and approval.

STATE OF ALABAMA }
 MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of local bill to be introduced for passage in the legislature of Alabama was published in said newspaper once a week for four consecutive weeks, on February 5, 1936, February 12, 1936, February 19, 1936, and February 26, 1936.

JACK LANGHORNE,
 Business Manager.

Sworn to and subscribed before me this the 7th day of March, 1936.

W. P. NICHOLSON,
 Notary Public.

By Mr. Fletcher:

S. 114. To Regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given of the intention to apply to the Legislature at its next session for the passage of a Local Act, in substance as follows:

AN ACT

To Regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

Be it enacted by the Legislature of Alabama:

Sec. 1. That it shall be unlawful for the Board of County Commissioners of Madison County, or such like governing body of said County, to purchase for the County of Madison, or bind said County in the purchase of any machinery, mechanical equipment, motor vehicle, tires, oils or motor fuel, where the amount of any such purchase exceeds the sum of \$25.00, unless and until competitive bids therefor have been called for and received by such board or governing body, and such bids, both the ones accepted and the ones rejected, spread upon the Minutes of such board or governing body, which Minutes shall be open to inspection. And the bid accepted must be the lowest and best bid submitted, considering the quality of the goods being purchased, the price bid thereon, and the responsibility of the bidder. Provided, however, that the foregoing provisions shall not apply to repairs to machinery or motor vehicles belonging to Madison County.

Sec. 2. That it shall be unlawful for any member of the Board of County Commissioners of Madison County, or such like governing body of said county, to contract for, order or purchase any article or commodity, other than specified in Section 1 hereof, for the account of said County, unless and until such order, contract or purchase has been approved in writing by the Chairman of such Board of Commissioners or other like governing body.

Sec. 3. This act shall go into effect immediately upon its passage, and approval by the Governor.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of local bill to be introduced for passage in the legislature of Alabama was published in said newspaper once a week for four consecutive weeks, on February 4, 1936, February 11, 1936, February 18, 1936, and February 25, 1936.

JACK LANGHORNE,

Business Manager.

Sworn to and subscribed before me this the 7th day of March, 1936.

W. P. NICHOLSON,

Notary Public.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Rogers of Mobile:

S. 85. To submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1936, for their consideration an amendment to the Constitution of the State of Alabama so as to authorize and empower the Legislature from time to time by general or local laws to fix, regulate, and alter the costs, fees, commissions, allowances, or salary to be charged or received by the Sheriff of Mobile County, including the method or basis of his compensation.

The above bill was read a second time at length as required by the Constitution.

By Mr. Dorsey:

S. 104. To propose an amendment to the Constitution of Alabama, to be known as Article _____ authorizing the Legislature to levy an income tax for the calendar year 1936, and for each year thereafter; to prescribe maximum rate of said income tax; to provide minimum exemptions; to provide that income shall not be considered property for tax purposes, and to provide that the Legislature shall reduce the ad valorem tax, when the revenue derived from the income tax will justify; and annulling "Article XXII" amending the Constitution of Alabama of 1901.

The above bill was read a second time at length as required by the Constitution.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted

on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Wellborn:

S. 27. To amend Section 344 Sub-section (a) of Article 10 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Stephens:

S. 82. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, Page 950).

By Mr. Swift:

S. 88. To amend Schedule 84 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Browder:

S. 90. To amend Sub-section D of Section 1 of an Act entitled: "An Act in relation to the educational system of Alabama: To make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938, and 1939, including all schools, agencies, services and institutions under the

general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama. (Approved September 2, 1935.)"

By Mr. Browder:

S. 91. To amend, by adding Section 4½ and amending Section 5, an Act entitled: "An Act in relation to the public school system of Alabama; To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State. (Approved September 2, 1935.)"

By Mr. Swift:

S. 101. Providing for interest rates, collection charges and attorney's fees on loans not exceeding \$1,000.00 and payable in installments; and to repeal all laws and parts of laws, general, special, local and private, in conflict with the provisions of this act.

By Mr. Calhoun:

H. 18. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

By Mr. Chichester (with amendment):

H. 24. To amend an act entitled, "An act to amend Section 269 of an act entitled 'An Act to provide for the general revenue of the State of Alabama' approved July 10th, 1935", approved September 4th, 1935.

By Mr. Chichester:

H. 25. To amend Section 291 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Castleberry:

H. 61. To authorize and empower the Board of Revenue or Court of County Commissioners or other governing body of each and every county in Alabama to expend an amount not to exceed one-third of the total amount that may be received by each county from the levy and collection of any tax on gasoline in the payment of any debt that may have been heretofore incurred by such county for the construction and/or maintenance of roads or bridges, and to ratify any such expenditure heretofore made.

By Mr. Delony:

H. 111. To make appropriation of Two Hundred Thousand Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen, of Etowah:

H. 117. To amend Section 2 of an Act "To provide that all cities in Alabama which now have or may hereafter have a population of as much as twenty-four thousand and less than forty thousand according to the last Federal Census, or any such census which may hereafter be taken, shall be known and designed as Class 'D' cities; to provide and create a Commission form of municipal government and to establish the same in all Class 'D' cities of Alabama as herein defined; to abolish the offices of Mayor and Aldermen and otherwise provide for the creation and maintenance of said commission form of government; to provide for the selection and election of a chairman and two associate commissioners in lieu of mayor and aldermen; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act. To Fix the Duties, powers and Compensation of the Board of Commissioners,—“approved March 6, 1931.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Robertson (Cullman) (with notice and proof):

H. 205. To require the Court of County Commissioners or Board of Finance and Control of Cullman county, Alabama, or other like governing body of said county to pay for the publishing of the notices of each and every local bill, for or which applies alone to the said County of Cullman, which is hereafter introduced at present session or any subsequent session of the Legislature of Alabama, when said bill is passed and becomes a law; and providing payment of the same out of money in the general fund of said county not otherwise appropriated, and providing the method of filing such claim.

By Messrs. Kirby and O'Neal (with notice and proof):

H. 210. To repeal an Act to authorize the Board of Revenue, County Commissioners or other like governing body of Jackson County, Alabama to levy and collect an excise tax on gasoline, woco pep or any substitute therefor, not to exceed three cents per gallon. To authorize such Court of County Commissioners Board of Revenue or other like governing body of said County to provide the necessary machinery for collecting said tax for the distri-

bution of said tax to prohibit any incorporated city or town in said County from levying municipal tax on said gasoline, woco pep or any substitute therefor which may be levied by any incorporated city or town in said County to provide for the use of said excise tax and to provide a penalty for the failure to pay the said tax required of the said governing board of said County on page 185 of the local Acts of 1927 and approved August 11, 1927.

By Mr. Tucker (with notice and proof):

S. 95. To authorize and empower any municipal corporation located in Tuscaloosa County, Alabama, to use for general purposes all or any part of the funds derived by it under the provisions of an Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

By Mr. Tucker (with notice and proof):

S. 96. To authorize and empower the Board of Revenue of Tuscaloosa County, Alabama, to use a portion, or so much thereof as may be necessary, of the funds which are to be paid to Tuscaloosa County, Alabama, under the provisions of Article 13, Chapter IV, of the Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to Provide for the General Revenue of the State of Alabama," for the purpose of paying interest on, and estab-

lishing a sinking fund for the retirement of, any bonds of Tuscaloosa County, Alabama, which have been sold, or which may hereafter be sold, to provide funds for paving or aiding in the paving of any public roads in Tuscaloosa County which are, or which hereafter may be, designated as State Aid Roads by the State Highway Commission of Alabama, and which State Highway Commission with State funds or State and Federal Aid funds has improved and has let contracts for paving and has paved, or which it may hereafter improve and let contracts for paving, and that all laws and parts of laws in conflict with the provisions of this Act be repealed insofar as they apply to Tuscaloosa County, Alabama.

By Mr. Tucker (with notice and proof):

S. 97. To provide a fund for the support of a Law Library for the Circuit Court of Tuscaloosa County, Alabama, without appropriations from the State or County treasury, by the assessment and collection of court costs in all actions, suits, cases and proceedings hereafter filed in or brought to the Circuit Court of Tuscaloosa County, Alabama, and to fix the custodian of said funds and to provide regulations for the purchase, custody and handling of said library.

By Mr. Stoddard (with notice and proof):

S. 99. For the relief of I. R. Reddoch, Judge of Probate of Crenshaw County, Alabama.

By Mr. Stoddard (with notice and proof):

S. 100. To fix the open season for shooting doves in Crenshaw County, Alabama.

By Mr. Walden (with notice and proof):

S. 103. To authorize and require the Board of Revenue, or like governing body, of Houston County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery to such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon on all such motor fuels delivered for sale or use in or sold in such county; To authorize said Board of Revenue, or like governing body, of said County to provide the necessary rules, regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said county from levying or collecting a

municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity or volume basis; to repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

By Mr. Walker (with notice and proof):

H. 175. To amend Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office", by providing an expense allowance to said Superintendent of Education.

By Mr. Toomer (with notice and proof):

H. 197. To authorize the City of Auburn, through its duly constituted officers and when approved by the City Council, to sell and dispose of any or all of the following described property lying in said City in Lee County, Alabama, A piece of parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 150 feet, the Western boundary of said land, being 156.5 feet east of the eastern line of College Street, in the City of Auburn, and to ratify and confirm any sales or parts thereof which may have heretofore been made by said City.

By Mr. Langdon (with notice and proof):

H. 231. To require the Commissioners Court, or like governing Body of Pickens County, Alabama, to approve and Pay for Advertising The Notice and Substance of local bills to be introduced in the legislature for said county, when due proof has been made of the correctness of the charges for advertising as other claims against the county are. This act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the legislature. This Act shall apply to Local Bills only that have the approval of the Representative of Pickens County.

By Mr. Langdon (with notice and proof):

H. 232. To relieve all Persons in any Municipality, In Pickens County, Alabama, Of and from any and all legal obligation to

work on the Streets, in any municipality of Pickens County, Ala., or to pay any money in Lieu of such Obligation. To prohibit the Levying or collecting of Street Tax, whether the same is now due or is hereafter to become due.

By Mr. Langdon (with notice and proof):

H. 233. To relieve all persons in Pickens County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in Pickens County, Alabama.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 64. To amend Section 3 of Article 1 of an act entitled, "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 94. For the relief of S. A. Powell, and to appropriate for the use of the said S. A. Powell the sum of one hundred twenty five dollars for the loss of a mule killed by a truck belonging to Russell County on January 28, 1935, near Hurtsboro, Alabama.

Also:

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

E. F. Taylor,

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately

after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Castleberry:

H. 242. To prohibit in all counties which now have or which may hereafter have a population of more than 25,000 and less than 26,000 inhabitants according to the last or any subsequent Federal census, the catching, capturing, killing or pursuing with intent to catch, capture or kill, by any means, wild hogs, unmarked, except during the month of December.

Also:

By Mr. Robertson (Cullman):

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board. To provide for the election

of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the coming special session of the Legislature of Alabama, to convene on February 11, or at any adjourned session thereof, to abolish the Court of County Commissioners of Cullman County and create a Board of Finance and Control, the substance of which bill will be as set out below.

A BILL TO BE ENTITLED AN ACT

To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenues, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all law constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board

To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder:

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in and for the County of Cullman, State of Alabama, a Board of Finance and Control of said Cullman county, to be composed of five members, one of whom shall be the chairman of said Board, and all of whom shall be qualified voters of said county.

Section 2. That upon the approval of this Act, the Court of County Commissioners of Cullman County, Alabama, as now constituted be and the same is hereby abolished and the same shall cease to exist in and for Cullman County, Alabama.

Section 3. The members of the Court of County Commissioners of Cullman County, as now constituted, who are now qualified and serving as

members of said Court, shall, with the addition of a chairman to be appointed by the Governor, constitute the first Board of Finance and Control under the provisions of this Act; and the said members of the Court of County Commissioners shall hold office as members of the said Board of Finance and Control until the expiration of the respective terms for which they have heretofore been elected as members of the Court of County Commissioners. The chairman of the herein constituted Board of Finance and Control shall be appointed by the Governor immediately upon the passage and approval of this Act, and his term of office shall expire with that of the other members of the Board of Finance and Control herein constituted.

Section 4. At the general election to be held in November, 1936, and each four years thereafter a chairman and four members of said Board of Finance and Control shall be elected by the qualified voters of Cullman county in the same form and manner as other county officers are elected and shall assume the duties of their respective offices on the first Monday after the second Tuesday in January following their election. Any vacancies that may occur on the said Board shall be filled by appointment by the Governor.

Section 5. That the said Board of Finance and Control shall have the power and authority to direct and control the property of the county as it may deem expedient and according to law; to levy general and special taxes for particular county purposes according to the provisions of the laws of the State of Alabama, general or special; to examine, settle and allow accounts and claims chargeable against the county; to examine and audit accounts of all officers having the management, collection or disbursement of money belonging to the county or appropriated for its use or benefit.

Section 6. That the said Board shall have all of the jurisdiction and all of the powers which are now or may hereafter be by law vested in the Courts of County Commissioners of this State, and the several members of the said Board of Finance and Control of Cullman County shall respectively perform all the duties and services and render all the powers which are or may be required by law of the members of the Courts of County Commissioners.

Section 7. That all the general laws heretofore and hereafter enacted by the Legislature of Alabama, in relation to the jurisdiction, powers, authorities or duties of County Commissioners in this State, shall apply to the said Board of Finance and Control of Cullman County, except so much of the said general laws as may relate to the mode of selection of said Court of County Commissioners, provided that this Act shall not be construed to impair the jurisdiction and authority of the said Board.

Section 8. That the said Board shall have the power and authority to compromise the outstanding debts of Cullman County, to examine into and pass upon the regularity of warrants already issued, to classify and register outstanding warrants, and may pledge the credit of the county to raise money to discharge the same as it is now or may hereafter be provided by law.

Section 9. That the Chairman of the said Board of Finance and Control is required to give his entire time and attention to the business of said Board. He shall sign the minutes of the proceedings of the said Board and shall sign all warrants drawn on the County Treasury, or orders for the payment or disbursement of money or funds for the county. It is hereby made the duty of the said Chairman to receive and prepare the business and obtain information for the sessions of the said Board, and to see to the execution of all orders of the said Board.

Section 10. That a majority of the said Board shall constitute a quorum for the conducting of business, and no funds belonging to the county shall be drawn out or paid out except as authorized by the said Board of Finance and Control.

Section 11. The minutes and records of the proceedings of the said Board shall be entered in a well bound volume provided for that purpose, which said records shall be kept in the office of the Board of Finance and Control of said county, and shall be open at all reasonable hours to the inspection of the citizens of the said county. The minutes of the said Board shall be recorded in the minute book provided for that purpose within five (5) days from the adjournment of any meeting of the said Board, regular or special.

Section 12. Said Board of Finance and Control shall be a court of record when acting a judicial capacity.

Section 13. It shall be the duty of the Clerk of each Court of the said County and of the Register in Chancery to render to the said Board of Finance and Control, within ten (10) days after adjournment of each term of said Court, a list under oath of all fines and forfeitures taken and judgments rendered during such term, for the use of the said county.

Section 14. The said Board of Finance and Control shall hold its sessions or meetings at the Court House in and for Cullman County.

Section 15. The Chairman of said Board of Finance and Control shall receive a compensation of \$150.00 monthly; and the associate members shall receive \$5.00 per day for each day's service, not in excess of \$75.00 in any one month. Said Board of Finance and Control shall hold regular meetings on the first Monday in each month, remaining in session as many days as may be necessary, and may hold special meetings at the call of the Chairman. Said Board shall employ a clerk who shall also give his entire time to the duties of the office and shall receive as compensation a salary not in excess of \$100.00 per month, and all the salaries specified herein shall be payable by warrants drawn by the Chairman upon the general funds of the county. The said clerk shall keep a minute book accurately showing all the proceedings of said Board at all sessions that may be held; he shall list and present to the Board all claims, of whatever nature, that may have been filed against the county; and he shall also keep a complete record of all county receipts, of all sources, of all county funds; also an accurate record of all disbursements, and must be prepared, at all times, to show the exact financial condition of the county.

Section 16. Each member of said Board is hereby required, before entering upon the duties of his office, to make and file the statutory oath of office together with a bond with good and sufficient sureties, to be approved as now provided by law, payable to Cullman County, Alabama, and conditioned for the faithful performance of the duties of their respective offices. Said bond and oath to be filed and recorded in the office of the Judge of Probate of said County. The bond of the Chairman of the said Board is hereby fixed at Five Thousand (\$5,000.00) Dollars, and the bonds of the other four members of the said Board are hereby fixed at One Thousand (\$1,000.00) Dollars, each.

Section 17. The Board of Finance and Control shall hold regular meetings on the first Monday in each month and may hold special meetings at any time on the call of the Chairman of the Board, or of three members entered in writing on the minutes of the Board.

Section 18. The said Board of Finance and Control shall employ a supervisor of roads and bridges for Cullman County and pay him a salary not in excess of \$2400.00 per year out of the road funds of said county. The said supervisor of roads and bridges must have had not less than three years practical experience in road building and be qualified to intelligently direct the construction, repair and maintenance of roads and bridges in the county. He shall have entire charge of the road employees of the county and shall supervise the employment or discharge of all foremen and laborers employed on the roads of the county, and shall fix their compensation. For his acts as

such supervisor he shall be responsible to the Board of Finance and Control and shall give such bond as the said Board of Finance and Control may require from him. He shall, by and with the advice of the Board of Finance and Control, purchase all necessary road machinery, material, supplies, and equipment necessary and desirable in and about the work of the roads and bridges of Cullman county, and shall be held responsible for the proper care and preservation of such equipment. All changes in roads, or matters of special or particular nature, must be passed on by the Board of Finance and Control. Said supervisor of roads and bridges may be allowed not in excess of \$50.00 monthly for expenses.

Section 19. That it shall be the duty of said Board of Finance and Control to publish between the first and fifteenth days of January and July, in each year, in some newspaper published in Cullman county, an itemized statement showing all receipts and disbursements of all the funds of said Cullman county, together with the balances remaining in such fund; the said statements so published to show each and every item paid, to whom paid, and for what purpose paid. The cost of said publication shall be not more than the regular rate and shall be paid out of the general funds of said county. Any member of the said Board failing to vote for the publication of the report specified in this section shall be punished as provided by law.

Section 20. That it shall be the duty of the said Board of Finance and Control to pay for all road work, materials, machinery, supplies, repairs and salaries incident to the construction, repair and maintenance of roads and bridges, out of the road funds of Cullman county; and it shall be a misdemeanor for the said Board to expend any road funds for any purpose other than the repair, construction and maintenance of roads and bridges, for the payment of interest, or other indebtedness previously incurred, which must be a legal obligation against the road funds of said county. It shall be the further duty of the said Board to expend not less than one-third of all the road revenue accruing to the county for some form of improved roads, either stone, gravel or tar top macadam; and the said improved roads must be built under the direction of the county road supervisor; and if built by contract, the contract must be let to the lowest bidder, after due notice has been given.

Section 21. In pursuance of their authority as trustees of the property of the county, the said Board of Finance and Control shall provide for themselves a suitable office in the courthouse of said Cullman County, which office shall at all times of the day, within reasonable hours, be open to the public, with either the clerk or the chairman of said Board on duty in said office. The chairman of said Board shall sign, as expressing his approval, all minutes of any meeting that may be held, and the said chairman shall, from time to time, inspect the roads of the county, and with the advice and assistance of associate members maintain general supervision over the work that is being done, the condition of the roads and needs thereof, throughout the county.

Section 22. All purchases, contracts for purchases, contracts for work or labor, and contracts for the expenditure of money, for, or on behalf of the county, must have the approval of the Board of Finance and Control before such purchases or contracts are made, which approval must appear on the minutes of the Board of Finance and Control. Provided, however, that any member of the Board of Finance and Control may make purchases, contracts for purchases, contracts for work or labor, and contracts for expenditure of money, when the amount involved is not more than fifty (\$50.00) dollars, without first having obtained the approval of the Board of Finance and Control; provided an emergency makes it necessary that such purchases or contracts be made without delay, as in cases of repair of the county's road machinery, automobiles, trucks and bridges, and such emergency purchases and contracts must be reported in writing and in detail to the Board of Finance and Control for consideration, by the member making them, within three days thereafter.

Section 23. That upon the approval of this Act, the Court of County Commissioners of said Cullman county, Alabama, as now constituted shall be abolished and shall cease to exist in and for said County; and the Probate Judge of Cullman county, Alabama, shall not be a member nor an ex-officio member nor Chairman of said Board of Finance and Control nor receive any compensation or salary as a member nor an ex-officio member nor Chairman nor as principal Judge nor have nor exercise any jurisdiction, authority, powers or perform any of the duties of said Board of Finance and Control or of any member thereof.

Section 24. Should any section or part of this Act be declared unconstitutional, the other parts of the Act shall nevertheless remain in full force and effect, the Legislature of Alabama hereby declaring that it would have passed said Act without such invalid part or parts.

Section 25. That all laws and parts of laws, local, general or special, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 26. That all provisions of this Act shall become effective upon its passage and approval by the Governor.

M. L. ROBERTSON,
Representative Cullman County.

THE STATE OF ALABAMA, }
CULLMAN COUNTY. }

Before me Florence McNabb a Notary Public in and for said County and State, personally appeared Maurice Norwood, Publisher of THE CULLMAN TRIBUNE, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for 4 consecutive weeks and being in the issues of said newspaper of the following dates, viz: Feb. 13, 20, 27, March 5, 1936.

Maurice Norwood,
Publisher.

Sworn to and subscribed before me this the 5th day of March, 1936.

Florence McNabb,
Notary Public.

Also:

By Mr. Owens (Madison):

H. 203. To authorize the Board of County Commissioners, or such like Governing Body of Madison County, to donate and appropriate to the Public Welfare Board in said County for relief of destitution, proceeds of the excise tax on gasoline, distributed to said County under the provisions of Article XIII, Chapter 4, of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and to ratify and confirm such donations and appropriations heretofore made to the Public Welfare Board in said county; and to repeal all laws in conflict with this Act.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the Board of County Commissioners of Madison County intend to apply to the Legislature of Alabama, at its next

special or extraordinary session called by the Governor, for the passage of the following Act:

AN ACT

To authorize the Board of County Commissioners, or such like governing Body of Madison County, to donate and appropriate to the Public Welfare Board in said County for relief of destitution, proceeds of the excise tax on gasoline, distributed to said County under the provisions of Article XIII, Chapter 4, of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935, and to ratify and confirm such donations and appropriations heretofore made to the Public Welfare Board in said county; and to repeal all laws in conflict with this Act.

Be it Enacted by the Legislature of Alabama:

Sec. 1. The Board of County Commissioners, or such like Governing Body of Madison County, is hereby authorized and empowered to donate and appropriate to the support of the Public Welfare Board in said County for relief of destitution such portion as said Board of County Commissioners, or other like Governing Body, may find fit and proper, from the proceeds of the excise tax on gasoline levied, collected and distributed to said County under the provisions of Article XIII, Chapter 4 of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935. And all such donations and appropriations heretofore made by said Board of County Commissioners of Madison County to said Public Welfare Board are hereby ratified and confirmed.

Sec. 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall go into effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said county and state this day personally appeared Jack Langhorne, who being first duly sworn deposes and says that he is business manager of The Huntsville Times, a newspaper of general circulation in the City of Huntsville, Madison County, Alabama; that the foregoing notice of Local Bill to be introduced for passage in the Legislature of Alabama, was published in said newspaper once a week for four consecutive weeks, February 4, 1936, February 11, 1936, February 18, 1936, and February 25, 1936.

Jack Langhorne,
Business Manager.

Sworn to and subscribed before me this 25 day of February, 1936.

W. P. Nicholson,
Notary Public.

Also:

By Mr. Rayburn:

H. 237. To require the Commissioners Court of Marshall County to approve and the Treasurer of said county of Marshall to pay the cost of advertising any local legislation for Marshall County that may have the approval of the representative of Marshall County in the Legislature.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama with the purpose to enact the same into law.

AN ACT

To require the Commissioners Court of Marshall County to approve and the Treasurer of said County of Marshall to pay the cost of advertising any local legislation for Marshall County that may have the approval of the Representative of Marshall County in the Legislature.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Commissioners Court of Marshall County is hereby required to approve and the County Treasurer of Marshall County is hereby required to pay the cost of advertising any and all local legislation for Marshall County that may have the approval of the Representative of Marshall County in the Legislature.

Section 2. This act shall take effect on its passage and approval by the Governor.

STATE OF ALABAMA }
MARSHALL COUNTY }

Before me, R. H. Williams, Probate Judge, personally appeared Y. Burke, who, being duly sworn, deposes and says, that he is Editor and publisher of the Guntersville Advertiser-Democrat a weekly newspaper published in said County, and that the publication of a certain notice of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: On the 5th day of February, 1936; the 12th day of February, 1936; the 19th day of February, 1936, and on the 26th day of February, 1936.

Y. Burke,
Editor and Publisher.

Sworn to and subscribed before me this the 4th day of March, 1935.

(Seal) R. H. Williams,
Judge of Probate.

Also:

By Mr. Rayburn:

H. 238. To repeal a local act of the Legislature of Alabama approved September 13, 1935, entitled, "An Act to establish a Board of Revenue for Marshall County, Alabama, to fix the number of members thereof and to fix the districts of said board; to relieve the judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the members of said Board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a chairman thereof; and fix his duties, powers, compensation and the term of office; to provide for the selection and appointment of

a bookkeeper-clerk for said board, and to fix his term of office powers, duties and compensation, and provide for its payment and to provide for the appointment of a county engineer; to fix his duties, and the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this act be, and the same are hereby repealed, and to provide when said act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama with the purpose to enact the same into law.

"AN ACT"

To repeal a local Act of the Legislature of Alabama approved September 13, 1935, entitled, "An Act, to establish a Board of Revenue for Marshall County, Alabama, to fix the number of the members thereof and to fix the districts of said board; to relieve the Judge of Probate of his duties as chairman of the Board of Revenue; to provide for the appointment and election of the members of said board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a chairman thereof; and fix his duties, powers, compensation and term of office; to provide for the selection and appointment of a bookkeeper-clerk for said board, and to fix his term of office, powers, duties and compensation, and provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That a local Act of the Legislature of Alabama approved September 13, 1935, entitled, "An Act to establish a Board of Revenue for Marshall County, Alabama; to fix the number of the members thereof and to fix the districts of said Board; to relieve the Judge of Probate of his duties as chairman of the Board of Revenue; to provide for the appointment and election of the members of said Board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a chairman thereof; and to fix his duties, powers, compensation and term of office; to provide for the selection, appointment of a bookkeeper-clerk for said Board; and to fix his term of office, powers, duties and compensation, and to provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, the term of his office and his power and to provide for his compensation and provide when said Act shall go into effect," be and the same is hereby repealed.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA }
MARSHALL COUNTY }

Before me R. H. Williams, Probate Judge, in and for said State and County, personally appeared Y. Burke, who, being duly sworn, deposes and says, that he is Editor and publisher of the Guntersville Advertiser Democrat, a weekly newspaper published in said County, and that the publication of a certain notice of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: On the 5th day of February, 1936; the 12th day of February, 1936; the 19th day of February, 1936, and on the 26th day of February, 1936.

Y. Burke,
Editor and Publisher.

Sworn to and subscribed before me this the 4th day of March, 1936.

R. H. Williams,
Judge of Probate.

Also:

By Mr. Rayburn:

H. 239. To amend an Act entitled, "An Act to provide for the election of a county superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officer; to prescribe the duties of the said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama, called to convene on February 11th, 1936, with the purpose to enact the same into law.

AN ACT

To amend an Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officer; to prescribe the duties of the said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

That Section 4 of House Bill number 81 of Local Acts of the Legislature of Alabama, of 1931, Page 10, be amended so as to read as follows:

Section 4. Such County Superintendent of Education shall devote his or her entire time to the public school business of Marshall County, Alabama. That the salary of the County Superintendent of Education of Marshall County shall be \$2700.00 per year until June 30, 1939. That on and after July 1, 1939, the amount of salary of the County Superintendent of Education of Marshall County shall be determined by the Marshall County Board of Education. Provided that the salary of the County Superintendent of Education shall not be less than \$2400.00 per year. That the Board of Education of Marshall County, Alabama, is hereby authorized and empowered to provide for the payment of the actual traveling expenses of said

County Superintendent of Education incident to the duties of his office, not to exceed the sum of \$900.00 per year. That the payment of such traveling expenses by the Marshall County Board of Education subsequent to July 1, 1935, is hereby legalized.

That the County Board of Education of Marshall County, Alabama, shall determine the amount of office help for the County Superintendent of Education of said County, the County Superintendent of Education of said County shall select the office help, and the County Board of Education shall fix the salaries of such office help, and the same shall be paid at the time and in the manner provided in the general laws of the State of Alabama for the payment of such office help

STATE OF ALABAMA }
MARSHALL COUNTY }

Before me, R. H. Williams, Probate Judge, personally appeared Y. Burke, who, being duly sworn, deposes and says, that he is Editor and publisher of the Guntersville Advertiser-Democrat, a weekly newspaper published in said County, and that the publication of a certain notice of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: On the 5th day of February, 1936; the 12th day of February, 1936; the 19th day of February, 1936, and on the 26th day of February, 1936.

Y. Burke,
Editor and Publisher.

Sworn to and subscribed before me this the 4th day of March, 1936.

R. H. Williams,
Judge of Probate.

(Seal)

Also:

By Mr. Shaver:

H. 200. To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given of the intention to apply to the Legislature at its next session for the passage of a Local Act, in substance as follows:

AN ACT

To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

Be it enacted by the Legislature of Alabama:

Sec. 1. That it shall be unlawful for the Board of County Commissioners of Madison County, or such like governing body of said County, to purchase for the County of Madison, or bind said County in the purchase of any machinery, mechanical equipment, motor vehicle, tires, oils or motor fuel, where the amount of any such purchase exceeds the sum of \$25.00, unless and until competitive bids therefor have been called for and received by such board governing body, and such bids, both the ones accepted and the ones rejected, spread upon the Minutes of such board or governing body, which Minutes shall be open to inspection. And the bid accepted must be the lowest and best bid submitted, considering the quality of the

goods being purchased, the price bid thereon, and the responsibility of the bidder. Provided, however, that the foregoing provisions shall not apply to repairs to machinery or motor vehicles belonging to Madison County.

Sec. 2. That it shall be unlawful for any member of the Board of County Commissioners of Madison County, or such like governing body of said county, to contract for, order or purchase any article or commodity, other than specified in Section 1 hereof, for the account of said County, unless and until such order, contract or purchase has been approved in writing by the Chairman of such Board of Commissioners or other like governing body.

Sec. 3. This act shall go into effect immediately upon its passage, and approval by the Governor.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said county and state this day personally appeared Jack Langhorne, who being first duly sworn deposes and says that he is business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of proposed Bill to be introduced for passage in the Legislature of Alabama, was published in said newspaper once a week for four consecutive weeks, February 4, 1936, February 11, 1936, February 18, 1936, and February 25, 1936.

Jack Langhorne,
Business Manager.

Sworn to and subscribed before me this 25 day of February, 1936.

W. P. Nicholson,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House bills Nos. 200, 239, 238, 237, 203, 241 and 242, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Starnes:

S. 49. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

RESOLUTION

The Rules Committee reported the following joint resolution:
S. J. R. 25. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Friday, March 13, 1936 at ten o'clock.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

RECESS

At 1 P. M., on motion of Mr. Wellborn, the Senate took a recess until 3 o'clock this afternoon.

ELEVENTH DAY—AFTERNOON SESSION

Wednesday, March 11th, 1936.

The Senate re-assembled at 3 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Locke	St. John	Thomas
Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Kuykendall	Russell		

—30

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Mooneyham:

S. 115. To amend Schedule 93½ of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Committee on Finance and Taxation.

By Mr. Kelly:

S. 116. To amend subdivision (a) of Section 2 of a Bill entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Committee on Finance and Taxation.

By Mr. Simpson:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate in all Counties having a population of fifty-five thousand or more, according to the last Federal census.

Committee on Finance and Taxation.

REPORT OF COMMITTEE

Mr. Walden, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walden:

S. 102. To accept the provisions of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; to provide for the State of Alabama to qualify for all of the purposes and benefits as specified in said Act; to authorize the State to make such plans as are necessary for carrying out the purposes of the Act; and to designate the Extension Service of the Alabama Polytechnic Institute as the agency of the State to administer said Act.

RESOLUTIONS

* Messrs. McDowell, Rogers and Stoddard offered the following Senate Resolution:

S. R. 26. WHEREAS, the Senate has learned with profound regret of the death of the sister of T. Sidney Frazer; and,

WHEREAS, each member of the Senate is deeply grieved over the bereavement of Senator Frazer, and

WHEREAS, the Senate desires to give visible evidence of its love and sympathy in this sad hour, therefore,

BE IT RESOLVED, that we deeply sympathize with our Colleague and assure him and the members of the family of our heartfelt sympathy and pray God's richest blessings in this their hour of sore bereavement.

BE IT FURTHER RESOLVED, that this Resolution be spread on the Journals and a copy forwarded to Senator Frazer.

And on motion of Mr. Stoddard, the Rules were suspended, said resolution put upon its immediate passage and adopted.

BILLS ON THIRD READING

The bill:

S. 58. To amend Section 31 of an Act entitled "An Act to provide for the general Revenue of the State of Alabama," approved July 10, 1935.

Was taken up.

Mr. Tucker offered the following amendment to said bill, to-wit:

Amend Senate Bill No. 58 by adding thereto at the end of Section 1 thereof, Section 1½, to read as follows:

Section 1½. Any prosecution that may be brought hereunder shall be instituted in the County or Inferior Criminal Court and not before any Justice of the Peace; and such prosecution shall be instituted only by a Tax Assessor or by indictment preferred by a Grand Jury.

Which was adopted.

Yeas, 24; Nays, 3.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Dorsey
Fletcher

Kelly
Kuykendall
Mixon
Mooneyham
McDowell
Parrish

Riddle
Russell
Simpson
Stephens
Swift
Taylor

Thomas
Tucker
Walden
Weaver
Wellborn
Woodall

—24

Nays: Messrs. Rogers (Mobile), St. John and Walton

— 3

Mr. Woodall offered the following amendment to said bill as amended:

Amend Senate Bill 58 by adding to Section 1 thereof, the following:

Provided, however, no conviction shall be had hereunder until it first appears to the Court that more than thirty days' written notice, after the time allowed for making such assessment, has been given to the Defendant, citing him to come before the Tax Assessor or his deputy and make such assessment, and his failing so to do. It shall be sufficient for said written notice to be mailed to the Defendant's last known address.

Which was adopted.

Yeas, 28; Nays, 0.

*Yeas:**Messrs.:*

Bonner	Kuykendall	Russell	Thomas
Browder	Mixon	St. John	Tucker
Carlton	Mooneyham	Simpson	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall

—28

Nays: None.

Mr. Kelly offered the following amendment to said bill as amended.

Amend Senate Bill No. 58 by adding after the word "property" and before the word "of" where the same appear together in the eighth line of Section 1 thereof the following words:

"including all money on deposit in any bank or banking institution, and stocks, bonds or securities of foreign corporations."

Which was adopted.

Yeas, 25; nays, 3.

*Yeas:**Messrs.:*

Bonner	Mixon	Russell	Taylor
Browder	Mooneyham	St. John	Thomas
Carlton	McDowell	Simpson	Tucker
Chesnut	Parrish	Stephens	Walton
Fletcher	Riddle	Stoddard	Weaver
Kelly	Rogers (Mobile)	Swift	Woodall
Kuykendall			

—25

Nays: Messrs. Dorsey, Walden and Wellborn

—3

Mr. Woodall also offered the following amendment to said bill as amended:

Amend Senate Bill No. 58 by adding to Section 1 thereof the following:

Provided, however, any such person required herein to make such assessment, who does not own or have any interest in or have under his control as agent, trustee, or in any fiduciary capacity, for any person owning property in Alabama, personal property whose total value exceeds the sum of Two Hundred and Fifty Dollars (\$250.00) or which is exempt from taxation by the laws of Alabama, may comply with the requirements of this Act by making affidavit before any Notary Public, Justice of the Peace, or any other officer authorized under the laws of this State to administer oaths, the extent of such ownership or control, and it shall be sufficient to mail said statement to the Tax Collector of his or her County or to file same with him.

Which was adopted.

Yeas, 25; Nays, 3.

Yeas:**Messrs.:**

Bonner	McDowell	Stephens	Tucker
Browder	Parrish	Stephens	Walden
Chesnut	Riddle	Stoddard	Walton
Fletcher	Rogers (Mobile)	Swift	Weaver
Kelly	Russell	Taylor	Wellborn
Mixon	St. John	Thomas	Woodall
Mooneyham			

—25

Nays: Messrs. Carlton, Dorsey and Kuykendall

— 3

And said bill, as thus amended, was read a third time at length and lost.

Yeas, 12; Nays, 16.

Yeas:**Messrs.:**

Bonner	Fletcher	Russell	Swift
Browder	Mixon	Simpson	Tucker
Carlton	Rogers (Mobile)	Stephens	Wellborn

—12

Nays:**Messrs.:**

Chesnut	Locke	St. John	Walden
Dorsey	Mooneyham	Stoddard	Walton
Kelly	McDowell	Taylor	Weaver
Kuykendall	Parrish	Thomas	Woodall

—16

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Rules Committee:

S. J. R. 25. Relative to the two Houses adjourning today to meet again on Friday, March 13, 1936 at ten o'clock.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

BILL INDEFINITELY POSTPONED

On motion of Mr. Mooneyham, further consideration of the bill:

S. 61. To amend Sections 126 and 128 of the School Code of Alabama which became effective by a Proclamation of the Governor on the first day of October, 1927, which Proclamation was issued pursuant to an Act of the Legislature of Alabama of 1927, approved August 11, 1927, and entitled: "An Act to provide for

the revision, codification, digestion and promulgating of the Public Statutes of Alabama relating to education."

Was indefinitely postponed by the Senate.

Yeas, 22; Nays, 7.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Walton
Chesnut	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	Woodall
Kelly	Parrish		

—22

Nays:

Messrs.:

Dorsey	Simpson	Tucker	Wellborn
Rogers (Mobile)	Swift	Walden	

— 7

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the eleventh Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the eleventh Legislative day approved by the Senate.

ADJOURNMENT

At 6:10 P.M., on motion of Mr. Stoddard and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Friday, March 13th, 1936, at 10 A. M.

TWELFTH DAY

Friday, March 13th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Senator Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:			
Bonner	Kuykendall	Russell	Thomas
Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	Mooneyham	Stephens	Walton
Cook	McDowell	Stoddard	Weaver
Dorsey	Parrish	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—30

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Thomas, leave of absence was granted Mr. St. John for today.

ORDER TO PRINT

On motion of Mr. Fletcher, 500 copies of the bill:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate in all Counties having a population of fifty-five thousand or more, according to the last Federal census.

Were ordered printed for the use of the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Weaver (by request):

S. 118. To amend an Act Entitled: "An Act to Authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits but within the police jurisdiction thereof."

Committee on Municipalities.

By Mr. Kelly:

S. 119. To amend Section 9001 of the Code of 1923, relating to marriage licenses.

Committee on Revision of Laws.

By Mr. Dorsey:

S. 120. To create the office of Deputy Circuit Solicitor, prescribe his duties, provide for his election and term of office, provide for the payment of his salary, and repeal conflicting laws.

Committee on Finance and Taxation.

By Mr. Walden:

S. 121. To create and provide for a Purchasing Agent for Henry County, Alabama, dealing with and having reference to all purchases for the use of said county, where said purchase or purchases would be a charge against the funds of the county; naming the Probate Judge as such Purchasing Agent, and require him to serve with compensation and said compensation shall be based on purchase or purchases made by said Agent, and his compensation shall be 2% of the total amount of dollars and cents expended for each month's purchases; the Purchasing Agent shall be paid monthly and out of the funds available for the County; prescribing his powers, authority and duties; requiring all County officials, including County Road Supervisor, to make requisition to said Purchasing Agent for all supplies of every kind and description, including all road and bridge supplies and equipment, stationery, books, dockets, postage stamps and records needed by them in the discharge of their duties; requiring the sheriff of the County, County Road Supervisor, and the keeper or superintendent of the County alms house to make requisition of all supplies of every kind and description needed about the County jail and County alms house, County road and bridge supplies to be purchased by and through the Purchasing Agent, requiring that all purchases for the County, where same is to be paid for from the funds of the County, shall be made by said Purchasing Agent; and to provide penalties for the violation of this Act; to repeal all local or general laws in conflict with this Act and to specifically repeal an Act passed by the Legislature of

Alabama, known as House Bill 429, and approved by the Governor, September 13, 1935.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced in the Special Session of the Legislature of Alabama in 1936. A bill to be entitled:

AN ACT

To create and provide for a purchasing Agent for Henry County, Alabama, dealing with and having reference to all purchases for the use of said county, where said purchase or purchases would be a charge against the funds of the county; naming the Probate Judge as such Purchasing Agent, and require him to serve with compensation and said compensation shall be based on purchase or purchases made by said Agent, and his compensation shall be two per cent of the total amount of dollars and cents expended for each months purchases, but not exceeding \$50 per month, to be divided proportionately as to purchases between the General Fund and the Gasoline Tax Fund; the Purchasing Agent shall be paid monthly and out of the funds available for the County; prescribing his powers, authority and duties; requiring all County officials including County Road Supervisor to make requisition to said purchasing Agent for all supplies of every kind and description, including all road and bridge supplies and equipment, stationery, books, dockets, postage stamps and records needed by them in the discharge of their duties; requiring the sheriff of the county, County Road Supervisor, and the keeper or Superintendent of the County almshouse to make requisition of all supplies of every kind and description needed about the County jail and County almshouse, County road and bridge supplies to be purchased by and through the purchasing Agent, requiring that all purchases for the county, where same is to be paid for from the funds of the County, shall be made by said purchasing Agent; and to provide penalties for the violation of this Act; to repeal all local or general laws in conflict with this Act and to specifically repeal an Act passed by the Legislature of Alabama, known as House Bill 429, and approved by the Governor September 13, 1935.

DAVE A. WALDEN,
Senator 35th Senatorial Dist.

PROOF OF PUBLICATION

THE STATE OF ALABAMA, }
HENRY COUNTY }

Personally appeared before the undersigned, a Notary Public within and for said County and State, Mrs. H. C. Mitchell, who, being duly sworn, deposes and says that she is the Business Manager of The Wiregrass Farmer, a newspaper published at Headland, in said County and State, and that the notice, An Act to Provide for a Purchasing Agent for Henry County, a true copy of which is hereto attached, was published in said paper for 4 consecutive weeks, of the following dates: Feb. 6, 1936; Feb. 13, 1936; Feb. 20, 1936; Feb. 27, 1936.

MRS. H. C. MITCHELL,
Business Manager.

Subscribed and sworn to before me this the 9th day of March, 1936.

R. A. WEEKS,
Notary Public.

By Mr. Thomas:

S. 122. To amend Section 2 of an Act entitled "An Act to authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State." (Approved September 2, 1935.)

Committee on Education.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDermott:

H. 103. To amend Section 3238 of the Code of Alabama of 1923 relating to appeals in habeas corpus cases.

By Mr. Denson (with substitute):

H. 39. To Amend Section 6667 Of The Code of Alabama of 1923, so as to provide that the Circuit Courts of the several counties of the State shall be open for the transaction of business at all times.

By Mr. Woodall:

S. 56. To divide the State of Alabama into Judicial Circuits for the Circuit Courts to be numbered and composed of the Counties named.

By Mr. Merrill:

H. 60. To amend sub-section 46 of Section 4556 of the Code of Alabama of 1923.

By Mr. Davis (with amendment):

H. 104. To amend section 8605 of the Code of Alabama 1923.

By Mr. Welch:

H. 77. To amend Section 6672 of the 1923 Code of Alabama.

Mr. Starnes, Acting Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDowell (with substitute):

S. 76. To further provide for annual, partial or final settlements by Administrators, Executors, Guardians and Trustees, to authorize the court having jurisdiction of any such settlements to fix, determine and allow upon such settlements the fees or compensation of such Administrators, Executors, Guardians or Trustees and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

By Mr. Welch:

H. 66. To amend an Act entitled An Act to amend Section 5742 of the Code of Alabama of 1923, approved July 23, 1931.

By Mr. Welch:

H. 71. To repeal Sections 8653, 8654, 8655, 8656, 8657, and 8658 of the 1923 Code of Alabama.

By Mr. DeVane:

H. 110. To amend Section 3759 of the Code of Alabama of 1923 relating to Solicitor's fees for convictions in misdemeanor cases in County Courts and Inferior Courts, so as to read as follows:

Mr. Starnes, Acting Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mooneyham:

S. 87. To amend Section 8966 of the Code of Alabama of 1923 relating to the statute of limitations in actions seeking relief on the ground of fraud.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate in all Counties having a population of fifty-five thousand or more, according to the last Federal census.

By Mr. Mooneyham:

S. 115. To amend Schedule 93½ of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general

revenue of the State of Alabama" approved July 10, 1935.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fletcher (with notice and proof):

S. 112. To require two thirds of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefore, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

By Mr. Fletcher (with notice and proof):

S. 113. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

By Mr. Fletcher (with notice and proof):

S. 114. To Regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

By Mr. Wellborn (with notice and proof):

S. 107. To authorize and direct the Board of Revenue of Calhoun County, Alabama, to pay for advertising the notice and sub-

stance of local bills to be introduced or having been introduced in the Legislature for said County when the bill applies to the whole County.

By Mr. Shaver (with notice and proof):

H. 200. To Regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

By Mr. Rayburn (with notice and proof):

H. 237. To require the Commissioners Court of Marshall County to approve and the Treasurer of said County of Marshall to pay the cost of advertising any local legislation for Marshall County that may have the approval of the Representative of Marshall County in the Legislature.

By Mr. Rayburn (with notice and proof):

H. 238. To repeal a local act of the Legislature of Alabama approved September 13, 1935, entitled, "An Act, to establish a Board of Revenue for Marshall County, Alabama, to fix the number of members thereof and to fix the districts of said Board; to relieve the Judge of Probate of his duties as chairman of the Board of Revenue; to provide for the appointment and election of the members of said Board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a Chairman thereof; and fix his duties, powers, compensation and the term of office; to provide for the selection and appointment of a bookkeeper-clerk for said Board, and to fix his term of office, powers, duties and compensation, and provide for its payment and to provide for the appointment of a County engineer; to fix his duties, and the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this act be, and the same are hereby repealed, and to provide when said act shall go into effect.

By Mr. Rayburn (with notice and proof):

H. 239. To amend an Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officers; to prescribe the duties of the said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

By Mr. Castleberry:

H. 242. To prohibit in all counties which now have or which may hereafter have a population of more than 25,000 and less than 26,000 inhabitants according to the last or any subsequent Federal

census, the catching, capturing, killing or pursuing with intent to catch, capture or kill, by any means, wild hogs, unmarked, except during the month of December.

By Mr. Owens (Madison) (with notice and proof):

H. 203. To authorize the Board of County Commissioners, or such like Governing Body of Madison County, to donate and appropriate to the Public Welfare Board in said County for relief of destitution, proceeds of the excise tax on gasoline, distributed to said County under the provisions of Article XIII, Chapter 4, of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and to ratify and confirm such donations and appropriations heretofore made to the Public Welfare Board in said county; and to repeal all laws in conflict with this Act.

Mr. Woodall, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 98. To amend Section Eleven (11) of an Act of the Legislature of 1931, approved February 25, 1931, and entitled "An Act to provide for and regulate and control primary elections for the nomination by political parties of candidates for public office within the State of Alabama" and to repeal all laws in conflict with such section as amended.

By Mr. Walton:

S. 94. To further regulate absentee voting.

Mr. Woodall, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Wellborn:

S. 38. To propose an amendment to Section 197 of Article IX of the Constitution of Alabama of 1901.

By Mr. Wellborn:

S. 39. To amend Section 1508 of the Code of Alabama of 1923.

By Mr. Wellborn:

S. 41. To propose an Amendment to Section 198 of Article IX of the Constitution of Alabama of 1901.

By Mr. Wellborn:

S. 40. To amend Section 1507 of the Code of Alabama of 1923.

By Mr. Russell:

S. 111. To further provide for and regulate the election of delegates to political party conventions.

By Mr. Russell:

S. 110. To further provide for and regulate the selection of candidates for public office by political parties.

Mr. Walton, Acting Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walton:

S. 93. To require County Governing Bodies to advertise for bids for road material and road machinery, and to require the purchase thereof from the lowest bidder.

Mr. Walton, Acting Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bonner:

S. 24. To further regulate the speed of motor driven vehicles on the highways of the State of Alabama.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 49. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567 and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately

after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

CALENDAR BILL RE-REFERRED

On motion of Mr. Fletcher, the bill:

H. 19. To amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

RESOLUTION

Mr. Simpson offered the following joint resolution:

S. J. R. 27. BE IT RESOLVED BY THE SENATE OF ALABAMA, the House of Representatives concurring, that the General Education Board through such agency as it may designate is invited, if it can be done without cost to the State of Alabama, to make a survey and analysis of the educational system of this State, including the cost thereof and to submit its report, together with its recommendations to the Governor and the Legislature.

BE IT FURTHER RESOLVED, that the Legislature of Alabama assures the General Education Board that the State of Alabama will gratefully acknowledge and appreciate the services which the Board or its representatives may render the State in this connection.

BE IT FURTHER RESOLVED, that the Governor of Alabama, the Superintendent of Education and all officers and employees of the State of Alabama are requested to lend such assistance as is requested by the agencies of the General Education Board in forwarding the above survey.

BE IT FURTHER RESOLVED, that the Governor be requested to transmit this Resolution to the General Education Board and request its services in the premises.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Welch:

H. J. R. 25. WHEREAS, the Library of Congress exchanges law and other journals with the Supreme Court Library of Alabama; and

WHEREAS, in order to fill the needs of the Library of Congress eight (8) copies of the Laws of Alabama and eight (8) sets of the House and Senate Journals are necessary; and

WHEREAS, the Secretary of State is only authorized to furnish two (2) copies of the Laws and two (2) sets of the House and Senate Journals for the purpose of copyright;

NOW, THEREFORE, be it resolved by the House of Representatives, the Senate concurring, that the Secretary of State of Alabama is hereby authorized and directed to furnish to the Library of Congress for the Division of Documents, eight (8) copies of the General and Local Laws of the State of Alabama for the 1935 session, as well as each succeeding session, and eight (8) sets of the House and Senate Journals of the 1935 session and each succeeding session, and that the Secretary of State be credited with the copies so furnished.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, H. J. R. 25, set out in the foregoing Message from the House, was concurred in and adopted.

The Rules Committee reported the following joint resolution:

S. J. R. 28. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again Tuesday, March 17, 1936, at 10 A. M.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

BILLS ON THIRD READING

The bill:

S. 83. To authorize and require the County Board of Education of Walker County, Alabama, to take over and assume the indebtedness of the Town of Cordova, evidenced by outstanding warrants or bonds issued by the Town of Cordova prior to September 20, 1927, which indebtedness was incurred and created in the erection of the Bankhead High School Building, a public school building in said town.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Starnes	Tucker
Carlton	Mooneyham	Stephens	Walden
Chesnut	Parrish	Stoddard	Walton
Dorsey	Riddle	Swift	Weaver
Fletcher	Rogers (Mobile)	Taylor	Wellborn
Kelly	Russell	Thomas	Woodall
Kuykendall	Simpson		

—26

Nays:—None.

The bill:

S. 92. To allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies or resigns.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; *Nays*, 1.

Yeas:

Messrs.:

Browder	Mooneyham	Simpson	Tucker
Chesnut	McDowell	Starnes	Walden
Dorsey	Parrish	Stephens	Walton
Kuykendall	Riddle	Stoddard	Weaver
Locke	Rogers (Mobile)	Taylor	Wellborn
Mixon	Russell	Thomas	Woodall

—24

Nay: Mr. Bonner

— 1

The bill:

H. 51. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privilege tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof".

Was read a third time at length and passed.

Yeas, 26; *Nays*, 0.

Yeas:

Messrs.:

Browder	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Chesnut	McDowell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Kelly	Riddle	Swift	Wellborn
Kuykendall	Rogers (Mobile)	Taylor	Woodall
Locke	Russell		

—26

Nays:—None.

The bill:

H. 151. To allow the Sheriff of DEKALB COUNTY, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	St. John	Thomas
Carlton	Mooneyham	Simpson	Tucker
Chesnut	McDowell	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Kelly	Riddle	Swift	Wellborn
Kuykendall	Rogers (Mobile)	Taylor	Woodall
Locke	Russell		

—26

Nays:—None.

The bill:

H. 183. To authorize the Board of Revenue, County Commissioners or other like County authorities in counties having a population of not less than 75,000 nor more than 110,000 according to the last Federal Census, or any future Federal Census; to purchase and maintain a suitable automobile or automobile truck for the use of the Humane Officer of such county at the cost of said county.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Weaver
Dorsey	Parrish	Stoddard	Wellborn
Fletcher	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

S. 95. To authorize and empower any municipal corporation located in Tuscaloosa County, Alabama, to use for general purposes all or any part of the funds derived by it under the provisions of an Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing

from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said county to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

S. 96. To authorize and empower the Board of Revenue of Tuscaloosa County, Alabama, to use a portion, or so much thereof as may be necessary, of the funds which are to be paid to Tuscaloosa County, Alabama, under the provisions of Article 13, Chapter IV, of the Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to Provide for the General Revenue of the State of Alabama," for the purpose of paying interest on, and establishing a sinking fund for the retirement of, any bonds of Tuscaloosa County, Alabama, which have been sold, or which may hereafter be sold, to provide funds for paving or aiding in the

paving of any public roads in Tuscaloosa County which are, or which hereafter may be, designated as State Aid Roads by the State Highway Commission of Alabama, and which State Highway Commission with State funds or State and Federal Aid funds has improved and has let contracts for paving and has paved, or which it may hereafter improve and let contracts for paving, and that all laws and parts of laws in conflict with the provisions of this Act be repealed insofar as they apply to Tuscaloosa County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

S. 97. To provide a fund for the support of a law library for the circuit court of Tuscaloosa County, Alabama, without appropriations from the State or county treasury, by the assessment and collection of court costs in all actions, suits, cases and proceedings hereafter filed in or brought to the circuit court of Tuscaloosa County, Alabama, and to fix the custodian of said funds and to provide regulations for the purchase, custody and handling of said library.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

S. 99. For the relief of I. R. Reddoch, Judge of Probate of Crenshaw County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

S. 100. To fix the open season for shooting doves in Crenshaw County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 185. To provide that in all counties in the State of Alabama, having now or hereafter a population of not less than 110,000 nor more than 200,000, according to the last or any subsequent Federal census, that the Board of Health of such counties by whatever name called, shall make a monthly report of all deaths of residents of such county to the Board of Registrars of such county.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

S. 103. To authorize and require the Board of Revenue, or like governing body, of Houston County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery to such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon on all such motor fuels delivered for sale or use in or sold in such county; To authorize said Board of Revenue, or like governing body, of said County to provide the necessary rules, regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity or volume basis; to repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Was taken up.

Mr. Walden offered the following substitute for said bill to-wit:
Substitute for Senate Bill 103:

A BILL

To be entitled An Act to authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions

for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-Pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Houston County, Alabama may for the purpose of constructing and maintaining public roads, streets, bridges and ferries in Houston County, Alabama, levy and collect a privilege tax or not more than one cent per gallon on all gasoline, naphtha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines provided, however, that nothing contained herein shall be held to apply to those products known commercially as "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, sold or delivered in said County, for the privilege of selling or delivering same.

Section 2. That said Board of Revenue may also provide rules and regulations and machinery for the collection of such privilege tax and provide penalties for the violation of such rules and regulations.

Section 3. All of the net proceeds of said privilege tax collected within the corporate limits of any incorporated city or town in Houston County, Alabama, shall be paid over to such incorporated city or town each month as collected.

Section 4. After the passage and approval of this Act, it shall be unlawful for any incorporated city or town in said Houston County, Alabama, to levy or collect a privilege license or excise tax on said motor fuels, or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis. All municipal privilege, excise and or license taxes on gasoline, Woco-Pep, or any other motor fuels used by self propelled vehicles now being levied or collected by any incorporated city or town in said county are hereby expressly repealed.

Section 5. That all such privilege taxes to be levied or imposed under this Act, and the money derived therefrom shall be used exclusively for the purpose of constructing and maintaining

public roads, streets, bridges and ferries in said County of Houston, and any incorporated city or town therein.

Section 6. This Act shall take effect on the first of the month next succeeding its passage and approval.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 205. To require the Court of County Commissioners or Board of Finance and Control of Cullman County, Alabama, or other like governing body of said county to pay for the publishing of the notices of each and every local bill, for or which applies alone to the said County of Cullman, which is hereafter introduced at present session or any subsequent session of the Legislature of Alabama, when said bill is passed and becomes a law; and providing payment of the same out of money in the general fund of said county not otherwise appropriated, and providing the method of filing such claim.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 117. To amend Section 2 of an Act "To provide that all cities in Alabama which now have or may hereafter have a population of as much as twenty-four thousand and less than forty thousand according to the last Federal Census, or any such census which may hereafter be taken, shall be known and designated as Class "D" cities; to provide and create a Commission form of municipal government and to establish the same in all Class 'D' cities of Alabama as herein defined; to abolish the offices of Mayor and Aldermen and otherwise provide for the creation and maintenance of said commission form of government; to provide for the selection and election of a chairman and two associate commissioners in lieu of mayor and aldermen; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act. To Fix the Duties, powers and Compensation of the Board of Commissioners,—“approved March 6, 1931.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 197. To authorize the City of Auburn, through its duly constituted officers and when approved by the City Council, to sell and dispose of any or all of the following described property lying in said City in Lee County, Alabama, A piece or parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 160 feet, the western boundary of said land being 156.5 feet east of the eastern line of College Street, in

the City of Auburn, and to ratify and confirm any sales or parts thereof which may have heretofore been made by said City.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill to-wit:

Committee substitute for House Bill No. 109:

A BILL

To be entitled An Act to provide for the publication of a Code of Alabama and to provide for the appointing of a committee to contract for the compilation, codification, annotating, indexing, printing, binding, and distributing of the public statutes of the State of Alabama of a general and permanent nature, and to provide for necessary appropriations therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created a committee of three members, consisting of the Governor of Alabama, one member of the Senate of 1936, to be appointed by the President of the Senate, and one member of the House of Representatives of 1936, to be appointed by the Speaker of the House, which committee is hereby authorized, empowered, and directed to employ a law publishing house with an editorial staff trained in the compiling and annotating of state statutes, whose duty it shall be, under the supervision of the said committee, to compile, codify, annotate, and index all of the statutes of the State of Alabama of a general and permanent nature, including all such acts as may be passed by this Legislature.

Section 2. The arrangement, classification, and section numbers of said code are to follow in so far as possible the code of 1923, and, in so far as possible, followed by all former section

numbers as set out in the Code of 1923. The annotations are to be the constructions of all state statutes and code sections passed on by the supreme and appeals courts. The index shall be accurate, full, complete, and comprehensive and which shall contain an alphabetical arrangement of all the various subjects contained in such Code. Said Code shall contain a table or tables of the numbers of the sections of all the codes of this State which refer to or embrace the same or like subject matter.

Section 3. The said code shall be prefixed with the Constitution of 1875 and the Constitution of 1901 with all amendments and with all constructions by the supreme and appeals courts to each section of the Constitution of 1901. Also the Constitution of the United States with all amendments shall be set out.

Section 4. That all details such as format, paper, number of volumes and binding shall be left to the discretion of said committee.

Section 5. Said code shall be known as the Alabama Code of 1936 and shall be distributed immediately upon publication according to law.

Section 6. Said committee shall protect the State of Alabama in the sale and distribution of said code.

Section 7. The said committee is hereby authorized and directed to enter into a written contract with a law publishing house having an editorial staff trained in the compiling and annotating of state statutes for the compiling, codifying, annotating and indexing of all the statutes of a general and permanent nature in force in the State of Alabama at the close of the 1936 Extraordinary session of the Legislature and to purchase from said person, firm or corporation such number of sets of said code, as may be in the discretion of the committee advisable; provided, however, that such contract price for such number of codes as may be purchased by said committee, shall not exceed the sum of \$60,000.

Section 8. It shall be the duty of said committee to see that all proof is carefully read so that same shall be an exact copy of the laws of Alabama, and said Committee is hereby empowered and directed to employ a competent person to read said proof and shall pay said proofreader, what, in their opinion, is fair compensation for reading said proof, said compensation not to exceed one thousand (\$1,000.00) dollars.

Section 9. The Senate and House members on said committee shall receive their traveling expenses going to and returning from any and all meetings of said committee, and a per diem of ten (\$10.00) dollars for each day's attendance at any and all regular meetings called by the chairman of said Committee. In no event are the traveling expenses and per diem for both Senate and House members to exceed one thousand (\$1,000.00) dollars.

Section 10. The necessary sum of money to carry out the provisions of this act is hereby appropriated out of the funds of the State Treasury not otherwise appropriated, and shall be paid by the Treasurer upon certificate of the Chairman of the Committee.

Section 11. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 12. This Act shall take effect immediately upon its approval by the Governor.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Russell	Thomas
Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Chesnut	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Swift	Wellborn
Kuykendall	Rogers (Mobile)	Taylor	Woodall

—28

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; Nays, 8.

Yeas:

Messrs.:

Bonner	Kuykendall	Starnes	Walden
Carlton	Mooneyham	Stephens	Walton
Chesnut	McDowell	Stoddard	Weaver
Dorsey	Parrish	Swift	Wellborn
Fletcher	Russell	Thomas	Woodall

—20

Nays:

Messrs.:

Browder	Mixon	Rogers (Mobile)	Taylor
Locke	Riddle	Simpson	Tucker

— 8

The bill:

S. 44. To amend an Act of the Legislature of Alabama, entitled, "An Act for the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix

penalties for the violation of the provisions hereof," approved September 13, 1935.

Was taken up.

The Standing Committee on Public Health reported the following amendment to said bill to-wit:

Amend Section 6 of Senate Bill 44 by striking out said Section 6 as same now appears in said Bill and substitute in lieu thereof the following: Section 6. FEES. It is hereby provided that any Rabies Inspector, veterinarian, or other person authorized or qualified to inoculate dogs against rabies may charge for such services a sum not to exceed sixty-five cents (.65c), including the cost of the vaccine, which said fee shall accrue to said inspector, or person who performed the inoculation, for his services. He shall keep a record of all dogs inoculated on forms furnished by the State Department of Health.

Which was adopted.

Yeas, 20; Nays, 9.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	Stephens	Walton
Cook	Mooneyham	Stoddard	Weaver
Fletcher	Parrish	Taylor	Wellborn

—20

Nays:

Messrs.:

Browder	McDowell	Simpson	Walden
Dorsey	Rogers (Mobile)	Starnes	Woodall
Mixon			

— 9

Mr. Walton offered the following amendment to said bill as amended to-wit:

Amend Section 8 of S. 44 to read as follows:

Section 8. Impounding of unlicensed dogs. It shall be the duty of each and every county in the State, acting jointly with the municipality in which the court-house is located, and of every municipality over 5,000, in which the joint county-city pound is not located, to provide a suitable enclosure for the impounding of all dogs found running at large in violation of the provisions of this Act. Where dogs are impounded, the said inspector shall in some form or manner give notice of not less than ten days, and if the owner thereof is known, such owner shall be given direct notice of the impounding of a dog or dogs belonging to him.

Which was adopted.

Yeas, 23; Nays, 5.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	Stephens	Walton
Chesnut	Mooneyham	Stoddard	Weaver
Cook	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	

—23

Nays:

Messrs.:

Dorsey	Simpson	Walden	Woodall
Fletcher			

— 5

And said bill, as thus amended was read a third time at length and passed.

Yeas, 20; Nays, 10.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Carlton	Locke	Stephens	Tucker
Chesnut	Mooneyham	Stoddard	Walton
Cook	Parrish	Swift	Weaver
Kelly	Riddle	Taylor	Wellborn

—20

Nays:

Messrs.:

Browder	Mixon	Simpson	Walden
Dorsey	McDowell	Starnes	Woodall
Fletcher	Rogers (Mobile)		

—10

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 28. Relative to two Houses adjourning today to meet again Tuesday, March 17, 1936, at 10 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 53. To authorize and empower the County Board of Education of Chilton County, Alabama to rent offices, buildings or parts of buildings for quarters or offices to be used by said County Board

of Education and the Superintendent of Education and his assistants, of said county, and to authorize the Board of Education of Chilton County, Alabama to purchase or buy necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor services and to pay for the same out of the School funds of Chilton County, Alabama.

Also:

S. 54. To require the Court of County Commissioners of Chilton County, Alabama to set-aside and appropriate, after payment has been made of the liability of Chilton County, Alabama, for its share of paving the Clanton-Selma Highway in Chilton County, Alabama, such part of the funds received by Chilton County, Alabama, from the State of Alabama as Gasoline Tax as will equal its part or share of said tax to the extent of 1c per gallon of said gasoline tax, for the purpose constructing and maintaining in said Chilton County, Alabama public Highway of a permanent type of paved road and to prohibit the Court of County Commissioners of Chilton County, Alabama from expending its gasoline tax received from the State of Alabama to the extent of the tax of 1c per gallon for any other purposes.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Todd:

H. 173. To amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such counties; to define the duties of such Boards, the election of officers, etc., and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such counties; to set up qualifications for apprentices or students in such counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such counties; to provide requirements of shops and schools teaching Cosmetology in such counties, provide for the refusal or revocation of certificates of registration in such counties, the requirement of

renewal of registration and licenses in such counties and penalties for the violation of this Act," which became a law July 23rd, 1931.

Also:

By Mr. Connor:

H. 273. To further provide for the operation and control of school buses operated by, or under the direction of the County Board of Education of all counties in the state of Alabama having a population of 300,000 or more persons according to the last or any subsequent Federal census.

Also:

By Mr. Adams

H. 177. To provide for the appointment of deputy circuit solicitors in all counties of this state, having a population of 300,000 or more according to the last or any subsequent Federal census, to prescribe their duties and to fix their compensation and to provide the way and manner of paying the same.

Also:

By Mr. Hill:

H. 272. To require the Court of County Commissioners, or like governing body, of Marion County to appropriate annually out of the general fund of the county a sum not less than \$2,100 for the purpose of maintaining and operating a health department in said county; said sum to be a preferred claim and payable to the budget of the Marion County Health Department for the maintenance and operation of a health department in said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is given that the following bill will be introduced in the approaching extraordinary session of the State Legislature:

A BILL TO BE ENTITLED AN ACT

To require the Court of County Commissioners, or like governing body, of Marion County to appropriate annually out of the general fund of the county a sum not less than \$2,100 for the purpose of maintaining and operating a health department in said county; said sum to be a preferred claim and payable to the budget of the Marion County Health Department for the maintenance and operation of a health department in said county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Court of County Commissioners, or like governing body, of Marion County shall appropriate annually a sum not less than \$2,100, which shall be used for the purpose of maintaining and operating a health department in said county; said funds to be a preferred claim on the general fund of the county, payable in monthly installments to the budget of the Marion County Health Department and shall be paid out by, or under the direction of, the State Board of Health, as other claims are paid out of said budget.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor.—R. L. HILL.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA }
MARION COUNTY }

Before me, a Notary Public, in and for said County and State, personally appeared W. H. Murray, who being first duly sworn, deposes and says that he is the publisher of THE WINFIELD JOURNAL, a weekly newspaper published in the Town of Winfield, in the State and County aforesaid, and that the advertisement, a true copy of which is hereto annexed, was printed in said newspaper for four consecutive weeks prior to the 6th day of March, 1936, the first publication being on February 13, 1936, and the last publication being on March 5, 1936.

That there was no agreement between publisher and officer, and that the actual cost of said advertisement is \$9.90, which is unpaid.

W. H. Murray.

Sworn to and subscribed before me this 6th day of March, 1936.

Ivan Hill,
Notary Public.

Also:

By Mr. Hill:

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof and the time and manner of the election and selection of the successors to the present members of said Board; to provide that one member of said Board shall be elected by the qualified electors of each of the sub-divisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties and powers of the said Board of Education, and for the compensation and qualification of members thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made at the next extraordinary session of the Legislature of Alabama for the passage of a local act for Marion County, Alabama to divide Marion County into five school districts and to provide for the election of a Board of Education for Marion County; and to provide the terms of office of the members thereof, and the

number, manner and times of their election; and to provide for the election of one member of the said Board of Education by the qualified electors of each of the said school districts so created; and to provide for the election and selection of successors to the present members of the Board of Education of Marion County; and to provide for the powers and duties of the said Board of Education and of the members thereof.

R. L. HILL,
Member of the Legislature.

2-7, 13, 20, 27—4t.

RLH

STATE OF ALABAMA,
MARION COUNTY.

Before me, J. D. Sexton, Clerk Circuit Court in and for said County, in State aforesaid, personally appeared F. B. McKenzie, who, being duly sworn, doth depose and say that he is published of The Marion County News, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which hereto attached) has been published in said newspaper for four consecutive weeks prior to the 28th day of February, 1936, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 14 the 6th day of February, 1936; No. 15 the 13th day of February, 1936; No. 16 the 20th day of February, 1936; No. 17 the 27th day of February, 1936.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$6.65 and unpaid. Said publication was made without cost to the State.

F. B. MCKENZIE,
Publisher.

Sworn to and subscribed before me, this 2nd day of March, 1936.

J. D. SEXTON,
Clerk Circuit Court.

Also:

By Mr. Hill:

H. 258. To relieve all persons in Marion County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Marion County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the approaching extra-ordinary session of the Legislature of Alabama, and its passage sought, to relieve all persons in Marion County, of any legal obligation to work on the public roads in such county, or to pay any money in lieu of such obligation to work on said public roads.

R. L. Hill,
Member of the Legislature.

STATE OF ALABAMA, }
MARION COUNTY. }

Before me, J. D. Sexton, Clerk of Circuit Court in and for said County, in State aforesaid, personally appeared F. B. McKenzie, who, being duly sworn, doth depose and say that he is the publisher of The Marion County

News, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which hereto attached) has been published in said newspaper for four consecutive weeks prior to the 28th day of February, 1936, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit:

No. 14, the 6th day of February, 1936; No. 15, the 13th day of February, 1936; No. 16, the 20th day of February, 1936; No. 17, the 27th day of February, 1936.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$3.40 and unpaid. Said publication was made without cost to the State.

F. B. McKenzie,
Publisher.

Sworn to and subscribed before me, this 2nd day of March, 1936.

J. D. Sexton,
Clerk of Circuit Court.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House Bills 173, 273, 177, 272, 257 and 358, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate.

By Mr. Owen (Etowah):

H. 8. TO AMEND Section 161-A of AN ACT "To Provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Also:

By Mr. Steele:

H. 207. To provide for the taking of non-game fish in artificially impounded public waters lying within the boundaries of all counties of the State of Alabama which now have or may hereafter have a population of not more than fifteen thousand (15,000) according to the last or any subsequent Federal Census; to pro-

vide means and devices for taking the same in said waters; to provide for license for the use of said devices and the means of issuing and procuring the same; to provide for penalties for violating the provisions of this Act; to provide that all revenues derived from the provisions of this Act shall be remitted on the first day of each month to the Commissioner of Conservation of Game, Fish and Seafoods, which shall be by him paid into the Treasury of the State of Alabama to the credit of the Game and Fish Fund; and to provide when this act will become effective.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 8, to the Committee on Finance and Taxation.

H. 207, to the Committee on Local Legislation.

BILLS ON THIRD READING

The bill:

S. 65. To regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill to-wit:

By Mr. Walon:

S. 65. A Bill to be entitled An Act to regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith.

Be it enacted by the Legislature of Alabama:

Section 1. PURPOSE FOR WHICH WARRANTS ISSUED.—In any county in which a special county tax shall have been voted under the Constitution for such purpose or for school purposes generally, and in any school district in which a special district tax shall have been voted under the Constitution for such purpose or for school purposes, generally, the county board of education or the city board of education or other body exercising the function of a board of education as the case may be, with the approval of the State Superintendent of Education may issue and

sell (1) capital outlay warrants for the purposes of erecting, purchasing, altering, enlarging improving, repairing, or equipping school buildings, including sites therefor and playgrounds in connection therewith, or purchasing school busses, or for the purpose of paying for a school building already erected by another governing body, which building is being transferred to the use and jurisdiction of the board issuing the warrants, (2) refunding warrants for the purpose of paying an valid warrants heretofore or hereafter issued and constituting a preferred claim against the said tax, provided such warrants being refunded are payable not later than six months after the date of the refunding warrants or are subject to call for payment within that period or are cancelled simultaneously with the issue of the refunding warrants, provided further that such refunding warrants shall not be issued at a higher interest yield than warrants being refunded or cancelled and shall not extend the date of payment of warrants being refunded or cancelled unless evidence presented to the State Superintendent of of Education shows that extension of time of payment of certain warrants is necessary to prevent the State's minimum program from being jeopardized, or will prevent the issuing board from operating schools the term customary in their jurisdiction, then he may approve such extension of time of payment of warrants being refunded or cancelled as is necessary to maintain the minimum program, or the customary term, (3) before October 1, 1936, but not thereafter, funding warrants for the purpose of paying any other valid indebtedness of the said board of education outstanding on September 30, 1935, and (4) before October 1, 1936, but not thereafter, in any such county or district in which any valid indebtedness of the said board of education outstanding on September 30, 1935, shall have been paid from funds otherwise available for the current school expenses of the 1935-1936 fiscal year, which payment will result in a deficit for the said year, funding warrants in lieu of such indebtedness to an amount not exceeding the amount of such deficit as estimated by the county or city board of education, the proceeds of such warrants to be applied to the current school expenses of the said year, it being hereby determined that the authority conferred by subdivisions (3) and (4) is essential to the effectiveness of the recent legislation intended to put school finances upon a sound basis and to prevent the incurring of further deficits by providing current income sufficient for current expenses. The proceedings authorizing funding or refunding warrants hereunder shall identify the indebtedness being funded or refunded, but no purchaser or holder of any such warrant shall thereby be put upon inquiry or charged with notice of the non-existence or invalidity of such indebtedness, and the validity of such warrants shall not be affected thereby. Warrants shall never be issued here-

under to an amount of principal and interest maturing in any year which when added to the amount of principal and interest of all warrants then outstanding and constituting preferred claims against the said tax and maturing in said year, would exceed eighty per cent of the annual proceeds of the said tax computed upon the basis of the last assessed valuation on which taxes were due and collected of the county or of the district as the case may be as certified by the county tax assessor.

Section 2. PREFERENCE AND PAYMENT OF WARRANTS AND CARE OF FUND.—All warrants issued hereunder shall be payable solely from the proceeds of such special county tax voted under constitutional authority, or solely from the proceeds of such special district tax voted under constitutional authority, or solely from the proceeds of more than one special tax for school purposes, as the case may be, subject to pledge for the payment of such warrants, but this shall not prohibit their payment from any other funds which may be available therefor under any other provision of law, provided, however, that in no event shall such warrants be payable from such other funds if the effect thereof would be to subject such warrants to any constitutional debt limit or to any constitutional requirement that they be authorized by vote of the qualified voters. All warrants issued hereunder shall be preferred claims against the said tax as herein provided. All valid pledges of the said tax made before the enactment hereof, whether made to secure warrants or otherwise, shall remain valid and effective and successive pledges so made of the same tax shall remain entitled as between each other to preference in the order in which they were made. All warrants issued hereunder, as well as all valid pledges of the said tax made before the enactment hereof, shall have preference over claims for salaries or other operating expenses or any other purpose. In each fiscal year the proceeds of each special tax levied under the Constitution for such purpose or for school purposes generally shall be deposited as soon as received by the custodian of school funds or the city treasurer, as the case may be, in a bank or banks approved for that purpose by the State Superintendent of Education upon the advice of the State Superintendent of Banks in a separate account to an amount sufficient for the payment of all claims secured by a valid pledge of the said tax made before the enactment hereof and due in that fiscal year and thereafter such proceeds shall be so deposited in another separate account to an amount sufficient for the payment of the principal and interest of all warrants issued hereunder due in that fiscal year or due in any prior year and remaining unpaid, with six per cent interest on such overdue payments. After such amounts have been so deposited the balance of the proceeds of the said tax may be used for any proper purpose

without regard to the said pledges or warrants, but such separate accounts shall be held as a trust fund for the payment of the respective claims for which they were established and shall be applied to no other purpose until all such claims are satisfied and any custodian, treasurer, superintendent of education, member of a board of education, or other officer who shall by vote or in any other manner cause, aid, or encourage any diversion of any such account to any other purpose or any misappropriation thereof whereby loss or injury to the owner or holder of any such claim is caused shall be jointly and severally liable, both personally and upon his official bond, if bonded, to such owner or holder to the extent of such loss or injury, including attorneys' fees and other collection costs. Any failure to make such deposits as required by this section or to apply the same as herein provided shall be construed as a diversion or a misappropriation, and any owner or holder of any claim then or at any time in the future payable from any such fund may at any time enter suit in any court of competent jurisdiction against the official responsible therefor and the surety upon his official bond, if bonded, both to recover for any loss or injury thereby sustained and to compel the observance of these provisions in the future.

Section 3. ISSUE TO BE APPROVED BY STATE SUPERINTENDENT OF EDUCATION IN ACCORDANCE WITH RULES AND REGULATIONS OF STATE BOARD OF EDUCATION.—Before issuing any warrants hereunder the county board of education or the city board of education, as the case may be, shall cause an application for approval of such issue to be filed with the State Superintendent of Education. Such application shall be in such form and shall contain such information as the State Superintendent of Education may prescribe and he may require such further information as may be necessary relating to the proposed warrants or other financial or educational matters under the control of such board of education. He shall not approve the issue of any warrants which would jeopardize the minimum state program of education as prescribed by law and in accordance with rules and regulations of the State Board of Education. He shall not approve the issue of any funding or refunding warrants unless they will effect a substantial interest saving or unless the payment from other funds of the indebtedness being funded or refunded would jeopardize such minimum program or customary term, provided that no funding warrants may be approved after October 1, 1936, except as provided in this act. He shall not approve the issue of any warrants hereunder when the principal or interest of any other warrants constituting a preferred claim against the same tax is overdue and unpaid, except warrants to refund the same. The written approval of the State

Superintendent of Education of the amount and general purpose of the warrants shall be a sufficient approval of the issue, but he may at his discretion approve any of the terms and provisions of the warrants which in such event shall not be issued otherwise. The written approval of the State Superintendent of Education of the issue of any warrants hereunder shall be a conclusive determination in favor of the validity of such warrants that all of the requirements of this act have been complied with. The State Superintendent of Education may also determine conclusively for all purposes relating to the validity of any warrants issued hereunder whether any other warrants constitute a preferred claim against the same tax. In all matters connected with his approval of warrants the State Superintendent of Education shall comply with any regulations or instructions of the State Board of Education, but his failure to do so shall not affect the validity of warrants approved by him.

Section 4. MATURITY OF WARRANTS.—Capital outlay warrants issued hereunder shall be payable within the period of usefulness of the improvement or property for which the warrants are issued as estimated by the county or city board of education, which estimate shall be conclusive. Funding or refunding warrants issued hereunder shall be payable within twenty years from their date. In no event shall any warrant issued hereunder be payable later than September 30 of the fiscal year next before the last fiscal year for which the special tax from which the warrant is payable shall have been voted. All warrants issued hereunder shall be made payable in substantially equal annual instalments of principal and interest beginning in the next fiscal year after their date, provided that if other warrants issued under this article or any other law shall be then outstanding constituting a preferred claim against the same tax, all or any part of the maturities of such outstanding warrants may be taken together with the maturities of the new warrants to provide substantially equal instalments of principal and interest in each fiscal year thereafter and provided further that this requirement shall be directory only and shall not affect the validity of any warrants issued under this article.

Section 5. CALL OF WARRANTS.—All warrants issued hereunder may contain such provisions for their call for payment at such time or times before maturity and at such premium, if any as the issuing board may prescribe, provided no such privilege of call for prior payment as to either time or premium shall be reserved as would cause the warrant to yield more than six per cent per annum according to standard bond tables if such privileges were exercised. Notice of such call shall be given by publication at least twice, the first such publication to be at least thirty days, and not more than 45 days, before the payment date, in a newspaper

published or circulated in the county and also in a daily newspaper published in Montgomery or Birmingham.

Section 6. INTEREST RATE.—All warrants issued hereunder shall bear interest at not exceeding six per cent per annum payable semi-annually. If the principal or interest of any warrant issued under this code shall not be paid when due, the same shall bear interest thereafter at six per cent per annum until paid, provided that at any time after such principal or interest shall have become overdue the board of education may give notice of its intention to pay the same in whole or in part with interest at a specified time and place by publication at least once at least ten days before the date fixed for such payment in a newspaper published or circulated in the county and also in a daily newspaper published in Montgomery or Birmingham. Upon such notice being duly given and money to make such payment being duly provided, interest on such overdue principal or interest or the part thereof so provided for shall cease.

Section 7. PLACE OF PAYMENT.—All warrants issued hereunder may be made payable at such place or places within or without the State of Alabama as the issuing board of education may designate.

Section 8. SALE OF WARRANTS.—All warrants issued hereunder shall be sold to the highest bidder at public sale unless sold at a better price within thirty days after failure to receive any acceptable bid at a duly advertised public sale in accordance with this section. A public sale shall be either on sealed bids or at auction. Bidders may be invited to name the rate of interest which the warrants are to bear, but if in such case the sale is at auction the rate of interest upon which bids will be received must be publicly announced at such auction and the bids received thereon, provided that thereafter and from time to time another rate of interest may be stated and bids received thereon, but at any one time bids should be received only upon a single rate of interest which has been publicly announced. The notice of a public sale shall state whether the sale is to be on sealed bids or at auction and shall also state the amount of the warrants to be sold, the maturities thereof, the amount payable at each maturity and either the rate of interest which the warrants are to bear or that the bidders are invited to name the rate of interest and shall also state the time and place of the sale or for submitting sealed bids. Such notice shall be published once in each of two consecutive weeks in a newspaper published in the county within which the warrants are being issued. The first of such two publications shall be not less than ten days before the last date for submitting bids if the sale is on sealed bids or the date of sale if the sale is at auction, and if there should be no such newspaper the notice may be published in a daily news-

paper published in Montgomery or Birmingham. The board of education shall have the right to reject all bids. In the marketing of said warrants said board shall be entitled to have such assistance as can be rendered by the Governor, the State Treasurer, the State Comptroller, the State Superintendent of Education, or any other state agency. In determining the highest bidder for warrants offered for sale the net interest cost to the board of education as shown in standard bond tables shall govern, provided the determination of the board of education as to the highest bidder shall be final. Any warrants issued under the provisions of this act may be sold at private sale to the United States of America or any agency or instrumentality thereof, or any corporation owned or controlled by the United States of America, and none of the provisions of this section shall apply to any such sale.

Section 9. SALES AT PAR OR LESS.—Warrants bearing six per cent interest and warrants subject to a call privilege which if exercised would yield six per cent according to standard bond tables shall not be sold for less than par and accrued interest. Other warrants may be sold at less than par, provided they shall not be sold at a price which would yield more than six per cent according to standard bond tables taking into account the discount and the call privilege if any.

Section 10. EXCHANGE OF FUNDING OR REFUNDING WARRANTS.—Notwithstanding the provisions of the two preceding sections, funding or refunding warrants issued hereunder may without advertisement be exchanged for a like amount of the indebtedness being funded or refunded. If part of an authorized issue is so exchanged the particular warrants delivered shall be selected so that the maturities of the warrants at any time outstanding shall satisfy the requirements of this act. The officers authorized to effect such exchange may select from the total authorized issue the particular warrants to be so delivered.

Section 11. FORM OF WARRANTS.—The following form of warrant shall be valid and sufficient for warrants issued hereunder, but any other appropriate form may be used:

No.

§

State of Alabama

County of _____

County, (City, District) School Building (Funding, Refunding)
Warrants.

The County (City) Board of Education of the County (City) of _____ Alabama, is indebted to bearer in the sum of _____ Dollars and hereby directs the custodian or treasurer, as the case may be, of the public school funds of the county (city treasurer) to pay to bearer the said sum on _____ 19_____, with interest meanwhile at the rate of _____

_____ per cent per annum payable semi-annually to the bearer of the respective coupons therefor hereto attached, both principal and interest being payable at _____ from the proceeds of a special tax of thirty cents on each one hundred dollars of taxable property in the said county (in the said city, in School District No. _____ of the said county) duly authorized to be levied and collected each year until the maturity hereof.

This warrant is issued pursuant to the Alabama School Code and is a preferred claim against the proceeds of the said tax as therein provided. It is hereby certified that every requirement of the Constitution or Laws of the State of Alabama relating to the issue hereof or to the authorization of the said tax has been duly complied with and that this warrant is within every limit prescribed thereby.

In Witness Whereof the said County (City) Board of Education has caused its seal to be hereto affixed and this warrant to be signed by its president and the county (city) superintendent of education and the attached coupons to bear the facsimile signature of the said superintendent of education.

Dated _____, 19_____.

President

Secretary

(Coupon)

No. _____ \$
On _____, 19_____, the County (City) Board of Education of the County (City) of _____, Alabama, will be indebted to bearer in the sum of _____ Dollars and hereby directs the custodian of the public school funds of the county (city treasurer) to pay to bearer the said sum at that time from the proceeds of a certain special tax as provided in and as interest on its County (City, District) School Building (Funding, Refunding) Warrant dated _____, 19_____.

Secretary.

If such warrants are subject to call for payment before maturity the words "unless the said warrant shall have been duly called for earlier payment and payment duly provided therefor" may be added to the coupons and the following paragraph inserted in the warrants:

The said County (City) Board of Education reserved the right to call this warrant for payment at _____ and accrued interest upon any interest payment date (or any other appropriate statement at the time of redemption). Notice of such call shall be published at least once at least thirty days before such payment

date in a newspaper published or circulated in the county and also in a daily newspaper published in Montgomery, or Birmingham. Such notice having been given and such payment having been duly provided, this warrant shall cease to bear interest upon such payment date.

Section 12. EXECUTION OF WARRANTS.—All warrants issued hereunder shall be executed in the name of the issuing county or city board of education, as the case may be, by the president of such board, shall be sealed with the seal of such board and attested by the secretary of such board. Coupons attached to such warrants shall be executed with either the manual or the facsimile signature of the president or the secretary of such board. All warrants and coupons attached thereto issued hereunder bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery and payment thereof such officers whose signatures appear thereon shall have ceased to be officers of such board.

Section 13. PAYMENT OF INCIDENTAL COSTS.—The board of education issuing any warrants hereunder may pay the cost of printing the warrants, the cost of advertising the sale, the attorneys' fees for preparing proceedings, the attorneys' fees for furnishing an opinion as to legality acceptable to the purchaser and other expenses incidental to the issue of the warrants, but only the actual cost thereof shall be paid and all such payments shall be made to those actually rendering such services and not to the purchaser of the warrants, in a lump sum or otherwise. This section shall not authorize the payment of a commission or other compensation for procuring a purchaser of such warrants.

Section 14. VALIDITY OF WARRANTS.—Warrants reciting that they are issued pursuant to the terms of this act shall in any action or proceeding involving their validity be conclusively deemed to be fully authorized thereby and to have been issued, sold, executed, and delivered in conformity therewith and with all other provisions of law applicable thereto and shall be incontestable, anything herein or in other statutes to the contrary notwithstanding, unless such action or proceedings is begun before or within thirty days after the day upon which the warrants are delivered and paid for. No irregularity in the proceedings to authorize the issue of warrants hereunder nor the omission or neglect of any officer charged with the execution of any duties imposed by this act shall affect the validity of any warrants issued hereunder.

Section 15. EXEMPTION FROM TAXATION.—All warrants and interest coupons attached to the same issued hereunder shall exempt from state, county, and municipal taxation.

Section 16. WARRANTS MAY BE VALIDATED.—All school warrants authorized by this act may in the discretion of the board of education be validated in a proceeding in accordance with No. 196 of the General Acts of 1935 approved July 17, 1935 (Acts 1935 P. 582), as the same may be amended from time to time, or any similar proceedings prescribed by law, but such proceedings shall not be essential to the validity of such warrants.

Section 17. RECORD OF WARRANTS:—The county board of education or the city board of education, as the case may be, shall keep in its minutes a complete record of all warrants issued under the provisions of this Act, which record shall show upon what authority the warrants are issued, the amounts in which issued, the persons to whom issued, the dates of issue and of maturity, the purpose or purposes for which issued, and the rate of interest to be paid.

Section 18. EXCLUSIVENESS OF THIS ARTICLE.—No warrant payable in any fiscal year later than the fiscal year in which they were issued shall be issued on or after October 1, 1936, except in accordance with the provisions of this Act. Warrants may, however, be issued by any county or city board of education at any time prior to October 1, 1936, in accordance with the provisions of No. 300 of the Acts of 1935, approved September 2, 1935, and Sections 281 and 286, inclusive, of the Alabama School Code of 1927, as amended by No. 507 of the Acts of 1935, approved September 13, 1935, without regard to any provisions of this Act.

Section 19. FISCAL YEAR.—The fiscal year of every board of education shall begin October 1 and end September 30.

Section 20. ELECTIONS.—Elections for the purpose of voting special taxes for any school purposes or for school purposes generally under the Constitution may be held at any time in accordance with law for one or more of the following purposes: (1) voting such tax where no such tax is being levied, (2) voting such tax for a period additional to the period for which the tax then being levied has been voted, (3) voting an additional rate of such tax where such tax has been voted at a rate less than the limit permitted by the Constitution, or (4) voting such tax for a different purpose from that for which the tax has already been voted and beginning with the fiscal year after such election, the purpose of the new election shall govern, provided the change of purpose for which a tax is voted shall not deprive the holders of outstanding warrants of their rights. No such tax shall ever be voted for a period or aggregate periods exceeding thirty years from the first day of the fiscal year beginning next after such election. All warrants heretofore or hereafter issued as preferred claims against a special tax under the Constitution shall continue

such claims against such tax until paid, whether such tax was voted at one time or from time to time and whether such tax was voted at the time the warrants were issued or thereafter.

Section 21. OUTSTANDING WARRANTS VALIDATED.—All outstanding school warrants issued by any county board of education and purporting to be a preferred claim against the proceeds of a special county school tax under Article XIX of the Constitution or purporting to be a preferred claim against a special district school tax under constitutional authority, and all outstanding warrants issued by city boards of education purporting to be a preferred claim against a special city school tax under constitutional authority are hereby validated and declared to be valid and effective school warrants according to their terms provided that if any outstanding warrants purport to be a preferred claim against a district school tax and in the event of the insufficiency of such tax then against the county school tax, they are hereby validated as preferred claims against the district school tax only, provided further that this section shall not apply to any warrants now in litigation or which have heretofore been held invalid by any court of competent jurisdiction and provided further that such warrants shall be hereby validated only if and when necessary to make valid any funding or refunding warrants which may be issued under the terms of this act.

Section 22. INDEBTEDNESS OF BOARD OF EDUCATION VALIDATED.—Insofar as any funding warrants issued under this act may be concerned, all indebtedness of any board of education except warrants purporting to be a preferred claim against the proceeds of a special county school tax under the Constitution and except warrants purporting to be a preferred claim against a special district tax under the Constitution which indebtedness was outstanding on February 1, 1936, and incurred for public school purposes is hereby validated and declared to be valid and binding indebtedness of the said board notwithstanding any irregularity in the authorization or incurring thereof, unless the board of education shall by resolution spread upon its records expressly declare such indebtedness to be invalid. The determination of the State Superintendent as to the validity of any such indebtedness shall be conclusive in favor of the validity of any funding warrants issued hereunder for the purpose of paying the same.

Section 23. ELECTIONS VALIDATED.—Insofar as the validity of any warrants issued under the terms of this act may be concerned, all elections whether in school districts or in counties which have heretofore been held under the provisions of Articles 12 and 13 of the Alabama School Code or any other law, for the purpose of authorizing a special tax for any school purpose or for

school purposes generally under the Constitution, which said election resulted in a majority of the votes cast being in favor of the said tax and which said elections were irregular by reason of failure prior to the actual holding of the election to give notice thereof in a newspaper or by reason of any other irregularity, be and the same are hereby ratified and confirmed and given effect in all respects as if all provisions of law relating to such election had been duly and legally complied with and the said tax may be levied and collected accordingly, provided that the provisions of this section shall not apply to elections which have been in express terms held and declared illegal by the board of revenue or court of county commissioners prior to the passage of this act.

Section 24. CONSTITUTIONALITY.—If any part of this act shall be unconstitutional the rest shall stand.

Section 25. REPEAL.—No. 302 of the Acts of 1935, page 735, approved September 2, 1935, and Section 136 of the Alabama School Code and all laws and parts of laws, general or local, inconsistent with the provisions of this act are hereby repealed; provided, however, that Sections 10, 11, 12, 13, and 14 of No. 300 of the Acts of 1935, page 728, approved September 2, 1935, and Sections 281-286, inclusive, of the Alabama School Code as amended by No. 507 of the Acts of 1935, approved September 13, 1935, page 1090, shall remain in full force and effect until October 1, 1936, and until such date shall provide an alternative authority for the issuance of warrants by county and city boards of education.

Section 26. TAKING EFFECT.—This act shall take effect and become operative immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mixon	Starnes	Walden
Carlton	Mooneyham	Stephens	Walton
Chesnut	McDowell	Stoddard	Weaver
Cook	Parrish	Taylor	Wellborn
Dorsey	Riddle	Thomas	Woodall
Fletcher	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Simpson	Tucker
Carlton	Locke	Starnes	Walden
Chesnut	Mixon	Stephens	Walton
Cook	Mooneyham	Swift	Weaver
Dorsey	McDowell	Taylor	Wellborn
Fletcher	Parrish	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

S. 88. To amend Schedule 84 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; *Nays*, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Tucker
Browder	Kuykendall	Simpson	Walden
Carlton	Locke	Starnes	Walton
Chesnut	Mixon	Stephens	Weaver
Cook	Mooneyham	Swift	Wellborn
Dorsey	McDowell	Taylor	Woodall
Fletcher	Parrish	Thomas	

—27

Nays:—None.

The bill:

S. 85. To submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1936, for their consideration an amendment to the Constitution of the State of Alabama so as to authorize and empower the Legislature from time to time by general or local laws to fix, regulate, and alter the costs, fees, commissions, allowances, or salary to be charged or received by the Sheriff of Mobile County, including the method or basis of his compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, viz: "The Legislature of Alabama may hereafter from time to time by general or local laws, fix, regulate, and alter the costs, fees, commissions, allowances, or salary to be charged or received by the Sheriff of Mobile County, including the method and basis of his compensation."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the general election in November, 1936, of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election in November, 1936, an election shall be held for the vote of the qualified electors of the State upon the proposed amendment. Upon the official ballot printed for such election shall be printed for following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter from time to time by general or local laws fix, regulate, and alter the costs, fees, commissions, allowances, or salary to be charged or received by the Sheriff of Mobile County, including the method and basis of his compensation.'" Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the voter shall be indicated by cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated, and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Browder	Locke	Russell	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Kelly			

Nays:—None.

The bill:

S. 90. To amend Sub-section D of Section 1 of an Act entitled: "An Act in relation to the educational system of Alabama: To make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama. (Approved September 2, 1935.)"

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mixon	Starnes	Walden
Carlton	Mooneyham	Stephens	Walton
Chesnut	McDowell	Swift	Weaver
Dorsey	Parrish	Taylor	Wellborn
Kelly	Riddle	Thomas	Woodall
Kuykendall	Rogers (Mobile)		

—26

Nays:—None.

The bill:

S. 91. To amend, by adding Section 4½ and amending Section 5, an Act entitled: "An Act in relation to the public school system of Alabama: To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State. (Approved September 2, 1935)"

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Taylor
Browder	Locke	Russell	Thomas
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Woodall
Kelly	Riddle		

—26

Nays:—None.

The bill:

H. 231. To require the Commissioners Court, or like governing body of Pickens County, Alabama, to approve and Pay for Advertising the Notice and Substance of local bills to be introduced in the legislature for said county, when due proof has been made of the correctness of the charges for advertising as other claims against the county are. This act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the legislature. This Act shall apply to Local Bills only that have the approval of the Representative of Pickens County.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Cook	McDowell	Stoddard	Wellborn
Dorsey	Riddle	Swift	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 232. To relieve all Persons in any Municipality, In Pickens County, Alabama, Of and from any and all legal obligation to work on the Streets, in any municipality of Pickens County, Ala., or to pay any money in Lieu of such Obligation. To prohibit the Levying or collecting of Street Tax, whether the same is now due or is hereafter to become due.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Tucker
Browder	Locke	Simpson	Walden
Carlton	Mixon	Stephens	Walton
Chesnut	Mooneyham	Stoddard	Weaver
Cook	McDowell	Swift	Wellborn
Dorsey	Riddle	Thomas	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 233. To relieve all persons in Pickens County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in Pickens County, Alabama.

Was read a third time at length and passed.
Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Cook	McDowell	Stoddard	Wellborn
Dorsey	Riddle	Swift	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 18. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

Was read a third time at length and lost by failure to receive the required Constitutional majority.

Yeas, 16; Nays, 11.

Yeas:

Messrs.:

Dorsey	Mixon	Simpson	Thomas
Kelly	Mooneyham	Starnes	Walden
Kuykendall	Parrish	Swift	Walton
Locke	Riddle	Taylor	Wellborn

—16

Nays:

Messrs.:

Bonner	Chesnut	Russell	Weaver
Browder	Fletcher	Stephens	Woodall
Carlton	McDowell	Tucker	

—11

MOTION TO RE-CONSIDER VOTE

Mr. Walton moved that the vote by which the Senate just passed, as amended, the bill:

S. 44. To amend an Act of the Legislature of Alabama entitled, "An Act for the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act, to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof," approved September 13, 1935.

Be re-considered, which motion was lost and the Senate refused to re-consider said vote.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twelfth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the twelfth Legislative day approved by the Senate.

ADJOURNMENT

At 1:05 P. M., on motion of Mr. McDowell and pursuant to joint resolution heretofore adopted, the Senate adjourned until Tuesday, March 17th, 1936, at 10 A. M.

THIRTEENTH DAY

Tuesday, March 17th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Fletcher
Frazer
Glover

Goldsmith
Kelly
Kuykendall
Locke
Mixon
Mooneyham
McDowell
Parrish

Riddle
Russell
St. John
Simpson
Starnes
Stephens
Stoddard
Swift

Taylor
Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Simpson, leave of absence was granted Mr. Rogers of Mobile for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Simpson:

S. 123. To create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create Personnel Boards and other agencies for the supervision and administration of said System in each of such Counties and municipalities thereof, to define the scope and extent of said System and the powers, duties and authority of said Commission, Boards and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for the payment of the expenses of each such agency and for a division of expense between the counties affected and the municipalities therein, to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Committee on Local Legislation.

By Mr. Simpson:

S. 124. To amend Section 31 of an Act entitled "An Act to authorize any County, City or Incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such County, City or Incorporated Town, as the case may be; and to

authorize any County, City or Incorporated Town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such County, City or Incorporated Town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation, of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes", approved March 29, 1933, as amended, so as to permit the redemption of bonds with or without a premium, and so as to delete a portion of said Section.

Committee on Municipalities.

By Mr. Stephens:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for cooperation with the States in the promotion of such an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of This Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

Committee on Finance and Taxation.

By Mr. Stephens:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

Committee on Finance and Taxation.

By Mr. Tucker:

S. 127. To regulate the office of the sheriff of Tuscaloosa County, Alabama; to exempt the sheriff of said County from court costs; to fix the compensation or salary to be paid the sheriff of Tuscaloosa County, Alabama, and to regulate the payment of the same; to fix the number and compensation of the sheriff's deputies, guards, jailers, and other employees of the sheriff; to require the deputy sheriffs and special deputy sheriffs of said sheriff to execute official bonds conditioned, payable and approved as the bond of the sheriff; to exempt the sheriff of said County from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to provide for the payment of the premium on the sheriff's and all deputies' bonds out of the County Treasury; to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the County Treasury, including fees for feeding prisoners, to be paid into the general fund of said County; to provide for the payment of the expenses of the office of said sheriff, including the costs of supplying and maintaining automobiles used by said sheriff in his official business, and authorizing

the Board of Revenue to appropriate the necessary money for such expenses, and to regulate the expenditure of same; authorizing the sheriff of said County to employ an attorney to advise and represent him, whose compensation is to be fixed by the Board of Revenue and paid out of the County Treasury; abolishing in so far as it relates to Tuscaloosa County, Alabama, sheriff's fees provided for in Section 6717 of the Code of Alabama, 1923, and providing that the sheriff of said County shall furnish bailiffs required in Section 6716 of the Code of Alabama, 1923; to provide that said County shall not be liable for the acts or omissions of said sheriff or any of his deputies, guards, jailers or other employees; to repeal all laws and parts of laws which, as applied to Tuscaloosa County, Alabama, are in conflict with the provisions of said Act; and providing when and how said Act shall become effective.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the special session of the Legislature of Alabama called for February 11, 1936, or any recess session thereof, an application will be made for the passage of a Local Bill in substance as follows:

AN ACT

To regulate the office of the sheriff of Tuscaloosa County, Alabama; to exempt the sheriff of said County from court costs; to fix the compensation or salary to be paid the sheriff of Tuscaloosa County, Alabama, and to regulate the payment of the same; to fix the number and compensation of the sheriff's deputies, guards, jailers, and other employees of the sheriff; to require the deputy sheriffs and special deputy sheriffs of said sheriff to execute official bonds conditioned, payable and approved as the bond of the sheriff; to exempt the sheriff of said County from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to provide for the payment of the premium on the sheriff's and all deputies' bonds out of the County Treasury; to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the County Treasury, including fees for feeding prisoners, to be paid into the general fund of said County; to provide for the payment of the expenses of the office of said sheriff, including the costs of supplying and maintaining automobiles used by said sheriff in his official business, and authorizing the Board of Revenue to appropriate the necessary money for such expenses, and to regulate the expenditure of same; authorizing the sheriff of said County to employ an attorney to advise and represent him, whose compensation is to be fixed by the Board of Revenue and paid out of the County Treasury; abolishing in so far as it relates to Tuscaloosa County, Alabama, sheriff's fees provided for in Section 6717 of the Code of Alabama, 1923, and providing that the sheriff of said County shall furnish bailiffs required in Section 6716 of the Code of Alabama, 1923; to provide that said county shall not be liable for the acts or omissions of said sheriff or any of his deputies, guards, jailers, or other employees; to repeal all laws and parts of laws which, as applied to Tuscaloosa County, Alabama, are

in conflict with the provisions of said Act; and providing when and how said Act shall become effective.

HAYSE TUCKER,
W. A. DOMINICK,
J. C. AUSTIN.

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, February 18, 25, March 3, 10, 1936.

BRUCE SHELTON,
Publisher.

Subscribed and sworn to before me on this the 10th day of March, 1936.

(Seal) LILLA COLLINS,
Notary Public.

REPORT OF COMMITTEE

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar to-wit:

By Mr. Thomas:

S. 122. To amend Section 2 of an Act entitled "An Act to authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State." (Approved September 2, 1935,)

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bill with the original bill, and finds same correctly engrossed, to-wit:

S. 44. To amend an Act of the Legislature of Alabama entitled, "An Act for the protection of human beings against rabies, to require inoculation against rabies of all dogs running at large, to provide for the apprehension and disposition of dogs running at large which have not been inoculated in accordance with the provisions of this Act to provide for the confinement of bitten dogs, and dogs that have bitten human beings, to provide a means of enforcement of the provisions of this Act, the appointment of a Rabies Inspector, to fix fees for inoculation of dogs, and to fix penalties for the violation of the provisions hereof," approved September 13, 1935.

Vernon L. St. John,
Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 53. To authorize and empower the County Board of Education of Chilton County Alabama to rent offices, buildings or part of buildings for quarters or offices to be used by said County Board of Education and the Superintendent of Education and his assistants, of said county, and to authorize the Board of Education of Chilton County, Alabama to purchase or buy necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor services and to pay for the same out of the School funds of Chilton County, Alabama.

S. 54. To require the Court of County Commissioners of Chilton County, Alabama to set-aside and appropriate, after payment has been made of the liability of Chilton County, Alabama, for its share of paving the Clanton-Selma Highway in Chilton County, Alabama, such part of the funds received by Chilton County, Alabama, from the State of Alabama as Gasoline Tax as will equal its part or share of said tax to the extent of 1c per gallon of said gasoline tax, for the purpose constructing and maintaining in said Chilton County, Alabama public Highway of a permanent type of paved road and to prohibit the Court of County Commissioners of Chilton County, Alabama from expending its gasoline tax received from the State of Alabama to the extent of the tax of 1c per gallon for any other purposes.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House Joint Resolution, your signature thereto is requested:

H. 51. To repeal an Act entitled, "To provide for the payment in Pickens County, Alabama, of a license or privilege tax on gasoline and other motor fuel and to provide for the collection thereof and penalties for violation thereof".

Also:

H. 117. To amend Section 2 of an Act "To provide that all cities in Alabama which now have or may hereafter have a population of as much as twenty-four thousand and less than forty thousand according to the last Federal Census, or any such census which may hereafter be taken, shall be known and designated as Class 'D' cities; to provide and create a Commission form of municipal government and to establish the same in all Class 'D' cities of Alabama as herein defined; to abolish the offices of Mayor and Aldermen and otherwise provide for the creation and maintenance of said commission form of government; to provide for the selection and election of a chairman and two associate commissioners in lieu of mayor and aldermen; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act. To Fix the Duties, powers and Compensation of the Board of Commissioners,—“approved March 6, 1931.

Also:

H. 151. To allow the Sheriff of DEKALB COUNTY, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments.

Also:

H. 183. To authorize the Board of Revenue, County Commissioners or other like County authorities in counties having a population of not less than 75,000 nor more than 110,000 according to the last Federal Census, or any future Federal Census; to purchase and maintain a suitable automobile or automobile truck for the use of the Humane Officer of such county at the cost of said county.

Also:

H. 185. To provide that in all counties in the State of Alabama, having now or hereafter a population of not less than 110,000 nor more than 200,000, according to the last or any subsequent Federal census, that the Board of Health of such counties by whatever name called, shall make a monthly report of all deaths of residents of such county to the Board of Registrars of such county.

Also:

H. 197. To authorize the City of Auburn, through its duly constituted officers and when approved by the City Council, to sell and dispose of any or all of the following described property lying in said City in Lee County, Alabama, A piece or parcel of land fronting 100 feet on Tichnor Avenue and extending back of uniform width for a distance of 160 feet, the western boundary of said land, being 156.5 feet east of the eastern line of College Street, in the City of Auburn, and to ratify and confirm any sales of parts thereof which may have heretofore been made by said City.

Also:

H. 205. To require the Court of County Commissioners or Board of Finance and Control of Cullman county, Alabama, or other like governing body of said county to pay for the publishing of the notices of each and every local bill, for or which applies alone to the said County of Cullman, which is hereafter introduced at present session or any subsequent session of the Legislature of Alabama, when said bill is passed and becomes a law; and providing payment of the same out of money in the general fund of said county not otherwise appropriated, and providing the method of filing such claim.

Also:

H. 231. To require the Commissioners Court, or like governing Body of Pickens County, Alabama, to approve and Pay for Advertising The Notice and Substance of local bills to be introduced in the legislature for said county, when due proof has been made of the correctness of the charges for advertising as other claims against the county are. This act shall apply to and include the notice and substance of bills advertised prior to and during the present session of the legislature. This Act shall apply to Local Bills only that have the approval of the Representative of Pickens County.

Also:

H. 232. To relieve all Persons in any Municipality, In Pickens County, Alabama, Of and from any and all legal obligation to work on the Streets, in any municipality of Pickens County, Ala., or to pay any money in Lieu of such Obligation. To prohibit the Levying or collecting of Street Tax, whether the same is now due or is hereafter to become due.

Also:

H. 233. To relieve all persons in Pickens County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation to work on the public roads in Pickens County, Alabama.

Also:

H. J. R. 25. Relative to supplying Library of Congress with Copies of Acts and Journals.

E. F. Taylor,
Clerk.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolution, the titles of which are set out in the foregoing message from the House.

RESOLUTION

The Rules Committee reported the following joint resolution:
S. J. R. 29. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Wednesday, March 18, 1936, at ten o'clock.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

BILL INDEFINITELY POSTPONED

On motion of Mr. Tucker, the Senate indefinitely postponed further consideration of the bill:

S. 59. To fix the minimum age at which children may enter public schools in Alabama and repeal all laws or parts of laws in conflict herewith.

BILLS ON THIRD READING

The bill:

S. 107. To authorize and direct the Board of Revenue of Calhoun County, Alabama to pay for advertising the notice and substance of local bills to be introduced or having been introduced in the Legislature for said County when the bill applies to the whole County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Cook	McDowell	Stoddard	Weaver
Dorsey	Parrish	Swift	Wellborn
Glover	Riddle	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

H. 200. To Regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Cook	McDowell	Stoddard	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 237. To require the Commissioners Court of Marshall County to approve and the treasurer of said County of Marshall to pay the cost of advertising any local legislation for Marshall County that may have the approval of the Representative of Marshall County in the Legislature.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Browder	Locke	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Cook	McDowell	Stoddard	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 239. To amend An Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the

qualifications of said officer; to prescribe the duties of said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Browder	Locke	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Cook	McDowell	Stoddard	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 242. To prohibit in all counties which now have or which may hereafter have a population of more than 25,000 and less than 26,000 inhabitants according to the last or any subsequent Federal census, the catching, capturing, killing or pursuing with intent to catch, capture or kill, by any means, wild hogs, unmarked, except during the month of December.

Was taken up.

Mr. Walton offered the following amendment to said bill, to-wit:

Amend Section 1 of House Bill 242 by adding at the end of said Section 1 the following: "Provided, that wherever the word or words "wild hog" or "wild hogs" appear in this Section the same shall refer to and shall be generally known throughout the County as "whifflepoofles."

Which was adopted.

Yeas, 19; Nays, 8.

Yeas:

Messrs.:

Browder	Kelly	Simpson	Tucker
Chesnut	Mixon	Stephens	Walton
Cook	Mooneyham	Swift	Weaver
Dorsey	Parrish	Taylor	Woodall
Glover	St. John	Thomas	

—19

Nays:

Messrs.:

Bonner	Fletcher	Kuykendall	Russell
Carlton	Frazer	Locke	Wellborn

—8

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; Nays, 3.

Yeas:

Messrs.:

Browder	Kelly	Riddle	Swift
Chesnut	Kuykendall	Russell	Thomas
Cook	Locke	St. John	Tucker
Dorsey	Mixon	Simpson	Walton
Fletcher	Mooneyham	Stephens	Weaver
Frazer	Parrish	Stoddard	Woodall
Glover			

—25

Nays: Messrs. Boner, Carlton and Wellborn.

—3

The bill:

H. 105. To authorize the Court of County Commissioners of Bullock County, Alabama, to replace in the Fine and Forfeiture Fund of said county, by transfer from the General Fund of said county to the Fine and Forfeiture Fund of said county, such sums of money as have been heretofore transferred from said Fine and Forfeiture Fund to the General Fund of said county.

Was read a third time at length and passed.

Yeas, 26; *Nays*, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	Mooneyham	Stephens	Walton
Dorsey	Parrish	Swift	Weaver
Fletcher	Riddle	Taylor	Wellborn
Frazer	Russell	Thomas	Woodall
Kelly	St. John		

—26

Nays:—None.

The bill:

H. 203. To authorize the Board of County Commissioners, or such like Governing Body of Madison County, to donate and appropriate to the Public Welfare Board in said County for relief of destitution, proceeds of the excise tax on gasoline, distributed to said County under the provisions of Article XIII, Chapter 4, of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and to ratify and confirm such donations and appropriations heretofore made to the Public Welfare Board in said county; and to repeal all laws in conflict with this Act.

Was read a third time at length and passed.

Yeas, 26; *Nays*, 0.

Yeas:

Messrs.:

Bonner	Dorsey	Kelly	Mooneyham
Carlton	Fletcher	Kuykendall	Parrish
Chesnut	Frazer	Mixon	Riddle

Russell
St. John
Simpson
Starnes

Stephens
Swift
Taylor
Thomas

Tucker
Walden
Walton

Weaver
Wellborn
Woodall

—26

Nays:—None.

MOTION TO RECONSIDER VOTE

Mr. Weaver moved that the vote by which the bill:

H. 18. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

Was lost on the last Legislative day, be re-considered.

Mr. Russell moved to table the motion to re-consider, which motion was lost.

Yeas, 12; Nays, 20.

Yeas:

Messrs.:

Bonner
Browder
Carlton

Cook
Fletcher
Frazer

Glover
Goldsmith
Mixon

Russell
Stoddard
Tucker

—12

Nays:

Messrs.:

Chesnut
Dorsey
Kelly
Kuykendall
Locke

Mooneyham
Parrish
Riddle
St. John
Simpson

Starnes
Stephens
Swift
Taylor
Thomas

Walden
Walton
Weaver
Wellborn
Woodall

—20

And the motion of Mr. Weaver to re-consider the vote by which said bill was lost, then prevailed and said vote was reconsidered.

Yeas, 21; Nays, 12.

Yeas:

Messrs.:

Chesnut
Dorsey
Goldsmith
Kuykendall
Locke
Mooneyham

Parrish
Riddle
St. John
Simpson
Starnes

Stephens
Stoddard
Swift
Taylor
Thomas

Walden
Walton
Weaver
Wellborn
Woodall

—21

Nays:

Messrs.:

Bonner
Browder
Carlton

Cook
Fletcher
Frazer

Glover
Kelly
Mixon

McDowell
Russell
Tucker

—12

And said bill, having been previously read at length, was put upon its passage and passed.

Yeas, 23; Nays, 10.

*Yeas:**Messrs.:*

Chesnut	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Walton
Goldsmith	Parrish	Stoddard	Weaver
Kelly	Riddle	Swift	Wellborn
Kuykendall	St. John	Taylor	Woodall
Locke	Simpson	Thomas	

-23

*Nays:**Messrs.:*

Bonner	Cook	Glover	Russell
Browder	Fletcher	McDowell	Tucker
Carlton	Frazer		

-10

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Rules Committee:

S. J. R. 29. Relative to the two Houses adjourning today to meet again on Wednesday, March 18, 1936 at ten o'clock.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

RECESS

At 1 P. M., on motion of Mr. Riddle, the Senate took a recess until 3:15 this afternoon.

THIRTEENTH DAY—AFTERNOON SESSION

Tuesday, March 17th, 1936.

The Senate re-assembled at 3:15 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

President:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Parrish	Swift	Woodall
Glover			

-33

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Mooneyham:

S. 128. For the relief of tax payers permitting and authorizing the transfer of any tax claim held by the State of Alabama, any county, municipality or taxing district thereof and authorizing and directing the issue of certificates evidencing such transfers and securing to the owner or holder of such certificates the same liens for enforcing said tax claims as the State of Alabama or the county or municipality or taxing district had prior to said transfer by it and providing for the enforcement of said liens and collection of amounts paid for said certificates and costs for collecting the same and the release thereof.

Committee on Finance and Taxation.

By Mr. Mooneyham:

S. 129. To authorize a person accused of a non-capital felony to waive indictment in the Circuit Court.

Committee on Judiciary.

By Mr. Mooneyham:

S. 130. To amend an Act entitled an Act, To fix the salary of the Judge of Probate in all counties in this State which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judges of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

Committee on Local Legislation.

By Mr. Simpson:

S. 131. To amend Sections 6599 and 6600 of the Code of Alabama, 1923.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Stephens, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dorsey:

S. 79. To provide for the consolidation of the administration and control of the public school systems in each and every County in the State of Alabama; to establish a board of education in each and every County in the State of Alabama, in lieu of all other City and County Boards in said Counties, and to provide the manner of its selection and to define its authority.

Mr. Tucker, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Welch:

H. 70. To Amend Section 4589 of the 1923 Code of Alabama. Relates to a second or subsequent premium on insurance policies.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-curred in the Senate amendment to the following House bill:

By Mr. Castleberry:

H. 242. To prohibit in all counties which now have or which may hereafter have a population of more than 25,000 and less than 26,000 inhabitants according to the last or any subsequent Federal census, the catching, capturing, killing or pursuing with intent to catch, capture or kill, by any means, wild hogs, unmarked, except during the month of December.

And requests a Committee of Conference. The Speaker of the House has appointed as conferees on the part of the House Messrs. Castleberry, Lee (Monroe) and McPhaul.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, the Senate recedes from its amendment to H. 242, the title of which is set out in the foregoing Message from the House.

Yeas, 30; Nay, 1.

Yeas:

Messrs.:

Bonner	Glover	St. John	Thomas
Browder	Kelly	Simpson	Tucker
Carlton	Kuykendall	Starnes	Walden
Chesnut	Mixon	Stephens	Walton
Cook	Mooneyham	Stoddard	Weaver
Dorsey	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall
Frazer	Russell		

Nay: Mr Goldsmith

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Long:

H. 229. To amend Section 216 of an Act entitled "To provide for the general revenue of the State of Alabama", approved July 10, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 229, to the Committee on Finance and Taxation.

BILLS ON THIRD READING

H. 24. To amend an act entitled, "An act to amend Section 269 of an act entitled 'An act to provide for the general revenue of the State of Alabama' approved July 10th, 1935", approved September 4th, 1935.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amend H. B. 24 by striking therefrom Sect. (C) and substituting therefor Sec. (c) to read as follows:

(c) Any party having a right to redeem said property, his agents or attorney, shall have the right to file a written protest with the Court of County Commissioners or like governing body of the County, and to the State Tax Agent objecting to the valuation of said land as placed on said property by the Tax Assessor as provided for under sub-section (b) of this section, setting forth his ground of objection to the assessed value of said property as fixed by said Tax Assessor, and the Court of County Commissioners or like governing body shall, thereafter, fix a day for hearing said protest by giving to the Tax Assessor and party desiring to redeem, his agents or attorney, at least ten days written notice of the day and place of hearing said petition, and upon the hearing of said cause, the Court of County Commissioners or like governing body shall have the right to review the assessed value of said property as fixed by the Tax Assessor, and shall fix and determine the assessed value for each of the years for which taxes are due subsequent to the year for which such land was sold to the State for taxes, as provided for under sub-section (b) of this act, and the Court of County Commissioners or like governing body shall certify to the probate judge the assessed value of said land so fixed.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Taylor
Browder	Goldsmith	Russell	Thomas
Carlton	Kelly	Simpson	Tucker
Chesnut	Kuykendall	Starnes	Walden
Cook	Locke	Stephens	Walton
Fletcher	Mixon	Stoddard	Weaver
Frazer	McDowell	Swift	Woodall

—28

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 29; Nays, 2.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Thomas
Browder	Goldsmith	Russell	Tucker
Carlton	Kelly	St. John	Walden
Chesnut	Kuykendall	Simpson	Walton
Cook	Mixon	Stephens	Weaver
Dorsey	Mooneyham	Stoddard	Wellborn
Fletcher	McDowell	Swift	Woodall
Frazer			

—29

Nays: Messrs.: Parrish and Taylor.

—2

The bill:

H. 61. To authorize and empower the Board of Revenue or Court of County Commissioners or other governing body of each and every county in Alabama to expend an amount not to exceed one-third of the total amount that may be received by each county from the levy and collection of any tax on gasoline in the payment of any debt that may have been heretofore incurred by such county for the construction and/or maintenance of roads or bridges, and to ratify any such expenditure heretofore made.

Was read a third time at length and passed.

Yeas, 28; Nay, 1.

Yeas:

Messrs.:

Bonner	Goldsmith	Parrish	Thomas
Browder	Kelly	Riddle	Tucker
Chesnut	Kuykendall	St. John	Walden
Cook	Locke	Simpson	Walton
Dorsey	Mixon	Stoddard	Weaver
Fletcher	Mooneyham	Swift	Wellborn
Glover	McDowell	Taylor	Woodall

—28

Nay: Mr. Stephens

—1

The bill:

H. 25. To amend Section 291 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Thomas
Browder	Goldsmith	St. John	Tucker
Carlton	Kelly	Simpson	Walden
Chesnut	Kuykendall	Starnes	Walton
Cook	Locke	Stephens	Weaver
Dorsey	Mixon	Swift	Wellborn
Fletcher	McDowell	Taylor	Woodall
Frazer			

—29

Nays:—None.

The bill:

S. 82. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation

fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for Judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, Page 950).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 2.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Kuykendall	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Swift	Wellborn

—24

Nays: Messrs. Locke and Taylor.

—2

The bill:

S. 101. Providing for interest rates, collection charges and attorney's fees on loans not exceeding \$1,000.00 and payable in installments; and to repeal all laws and parts of laws, general, special, local and private, in conflict with the provisions of this act.

Was taken up.

Mr. Mooneyham offered the following substitute for said bill to-wit:

Substitute for S. 101:

A BILL

To be entitled an Act providing for interest rates, collection charges and attorney's fees on loans not exceeding \$500.00 and payable in installments; and to repeal all laws and parts of laws, general, special, local and private, in conflict with the provisions of this act.

Be it enacted by the Legislature of Alabama:

Section 1. That any individual, firm, corporation, or banking association shall have the right to make loans in amounts not exceeding \$500.00 for a term not exceeding one year from the date of such loan, and deduct in advance as discount on making such loan interest at the rate of not exceeding eight per cent per annum for a full year on the entire amount of such loan, and require such loan to be repaid in monthly or other installments, and it shall be valid to stipulate that, if any such borrower shall fail to pay any installment when due, then at the option of the owner of such promissory note the entire balance repaying unpaid shall become due and payable at the end of ten days from the date of written notice to that effect to the makers and endorsers of such note.

Section 2. That it shall be valid to provide in promissory notes evidencing such loans for the payment by the maker of said notes of reasonable attorney's fees and costs of collection upon failure of the maker to repay the loan, or any installment due thereon, at maturity.

Section 3. That no loan made in the manner herein authorized shall be treated or considered as a loan made at a usurious rate of interest.

Section 4. That all laws and parts of laws, general, special, local and private, in conflict with the provisions of this act are hereby repealed.

Section 5. This act shall become effective upon its becoming a law.

Mr. Bonner offered the following substitute for the substitute offered by Mr. Mooneyham to-wit:

Substitute for Mooneyham Substitute for S. 101, by Bonner:

A BILL

To be entitled an Act providing for interest rates, collection charges and attorney's fees on loans not exceeding \$200.00 and payable in installments; and to repeal all laws and parts of laws, general, special, local and private, in conflict with the provisions of this act.

Be it enacted by the Legislature of Alabama:

Section 1. That any individual, firm, corporation, or banking association shall have the right to make loans in amounts not exceeding \$200.00 for a term not exceeding one year from the date of such loan, and deduct in advance as discount on making such loan interest at the rate of not exceeding eight per cent per annum for a full year on the entire amount of such loan, and require such loan to be repaid in monthly or other installments, and it shall be valid to stipulate that, if any such borrower shall fail to pay any installment when due, then at the option of the owner of such promissory note the entire balance remaining unpaid shall become due and payable at the end of ten days from the date of written notice to that effect to the makers and endorsers of such note, by registered mail, to the last known address.

Section 2. That it shall be valid to provide in promissory notes evidencing such loans for the payment by the maker of said notes of reasonable attorney's fees and costs of collection upon failure of the maker to repay the loan, or any installment due thereon, at maturity.

Section 3. That no loan made in the manner herein authorized shall be treated or considered as a loan made at a usurious rate of interest.

Section 4. That all laws and parts of laws, general, special, local and private, in conflict with the provisions of this act are hereby repealed.

Section 5. This act shall become effective upon its becoming a law.

On motion of Mr. Swift, said bill and the pending substitutes were re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

The bill:

H. 111. To make appropriation of Two Hundred Thousand Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Was read a third time at length and passed.

Yeas, 27; Nays, 3.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Parrish	Stoddard	Wellborn
Kelly	Riddle	Swift	

—27

Nays: Messrs. Dorsey, Goldsmith and Taylor.

—3

The bill:

S. 102. To accept the provisions of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; to provide for the State of Alabama to qualify for all of the purposes and benefits as specified in said Act; to authorize the State to make such plans as are necessary for carrying out the purposes of the Act; and to designate the Extension Service of the Alabama Polytechnic Institute as the agency of the State to administer said Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Glover	Parrish	Swift	

—31

Nays:—None.

The bill:

H. 39. To amend Section 6667 of the Code of Alabama of 1923, so as to provide that the Circuit Courts of the several counties of the State shall be open for the transaction of business at all times.

Was taken up.

The Standing Committee on Judiciary reported the following substitute for said bill to-wit:

Committee substitute for H. 39:

A BILL

To be entitled an Act to amend Section 6667 of the 1923 Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 6667 be amended so as to read as follows:

“6667. Circuit Courts when open.—The Circuit Courts of the several Counties of the State shall be open for the transaction of any and all business, or judicial proceedings of every kind, at all times.”

Section 2. That all laws and parts of laws, general and local in conflict herewith are hereby repealed.

Section 3. This Act shall take effect immediately upon its approval by the Governor.

Which was adopted.

Yeas, 28; Nays, 3.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Taylor
Browder	Goldsmith	Riddle	Thomas
Carlton	Kelly	St. John	Tucker
Chesnut	Kuykendall	Starnes	Walden
Cook	Locke	Stephens	Walton
Dorsey	Mixon	Stoddard	Weaver
Fletcher	Mooneyham	Swift	Woodall

—28

Nays: Messrs. Russell, Simpson and Wellborn

—3

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 29; Nay, 1.

Yeas:

Messrs.:

Bonner	Goldsmith	St. John	Thomas
Browder	Kuykendall	Simpson	Tucker
Carlton	Locke	Starnes	Walden
Chesnut	Mixon	Stephens	Walton
Cook	Mooneyham	Stoddard	Weaver
Dorsey	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall
Glover			

—29

Nay: Mr. Russell

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Rogers (Mobile):

S. 81. To Amend an Act approved September 13, 1935, entitled 'An Act to Amend Section 28 of an Act entitled "An Act to create a pilotage commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage, and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act; and to repeal all laws in conflict therewith," approved March 4, 1931' "

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Castleberry:

H. 270. To provide that the compensation of members of the Board of Revenue of Conecuh County, Alabama, may be paid out of the Gasoline Excise Tax Fund.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The following local bill, in substance, will be introduced and its passage sought at the present special session of the Alabama legislature:

A bill to be entitled an act to authorize and empower the board of revenue of Conecuh county to pay the salaries, per diem and mileage of its members from the gasoline tax funds received by it from the state, and that this act shall take effect upon its passage and approval.

STATE OF ALABAMA }
CONECUH COUNTY }

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 13th, day of Feb. 1936, and ending on the 5th day of March, 1936.

R. G. BOZEMAN,

Publisher.

Sworn to and subscribed before me this the 9th day of March 1936.

CATHERINE D. STALLWORTH,

Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 270, to the Committee on Local Legislation.

BILLS ON THIRD READING RESUMED

The bill:

H. 104. To amend section 8605 of the Code of Alabama 1923.
Was taken up.

The Standing Committee on Judiciary reported the following amendment to said bill to-wit:

Amend H. B. 104 by adding at end of Sec. 1 the following:

Radio broadcasting engineers and announcers when engaged in the regular performance of their duties.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	McDowell	Swift	Woodall
Glover	Riddle	Taylor	

—27

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 1.

Yeas:

Messrs.:

Bonner	Locke	St. John	Tucker
Browder	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Swift	Wellborn
Kelly	Riddle	Taylor	Woodall
Kuykendall	Russell	Thomas	

—27

Nay: Mr. Carlton

—1

The bill:

S. 56. To divide the State of Alabama into Judicial Circuits for the Circuit Courts to be numbered and composed of the Counties named.

Was read a third time at length and lost.

Yeas, 14; Nays, 17.

Yeas:

Messrs.:

Bonner	Mooneyham	Thomas	Walton
Dorsey	McDowell	Tucker	Wellborn
Goldsmith	Swift	Walden	Woodall
Kelly	Taylor		

—14

Nays:

Messrs.:

Browder	Glover	Parrish	Starnes
Carlton	Kuykendall	Russell	Stephens
Chesnut	Locke	St. John	Stoddard
Cook	Mixon	Simpson	Weaver
Fletcher			

—17

The bill:

H. 60. To amend subsection 46 of Section 4556 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Thomas
Browder	Locke	Starnes	Tucker
Carlton	Mixon	Stephens	Walden
Chesnut	Mooneyham	Stoddard	Walton
Cook	McDowell	Swift	Weaver
Glover	Riddle	Taylor	Wellborn
Kelly	Russell		

—26

Nays:—None.

The bill:

S. 76. To further provide for annual, partial or final settlements by Administrators, Executors, Guardians and Trustees, to authorize the court having jurisdiction of any such settlements to fix, determine and allow upon such settlements the fees or compensation of such Administrators, Executors, Guardians or Trustees and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

Was taken up.

The Standing Committee on Revision of Laws reported the following substitute for said bill to-wit:

A BILL,

To be entitled An Act to further provide for and regulate annual, partial, or final settlements by administrators, executors, guardians and trustees; to authorize the court having jurisdiction of any such settlements, to fix, determine and allow, upon such settlements, the fees or compensation of such administrators, executors, guardians or trustees, and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, guardians or trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

Be it enacted by the Legislature of Alabama:

Section 1. That upon any annual, partial, or final settlement made by any administrator, executor, guardian or trustee, the court having jurisdiction thereof, may fix, determine and allow the fees or other compensation to which any such administrator, exec-

utor, guardian or trustee is entitled from an estate up to the time of such settlement, and may also fix, determine and allow an attorney's fee or compensation to be paid from such estate to attorneys representing such administrator, executor, guardian or trustee for services rendered to the time of such settlement.

Section 2. Whenever any administrator, executor, guardian or trustee shall file any annual, partial, or final settlement in any court having jurisdiction thereof, the court shall, at the request of such administrator, executor, guardian or trustee, require that notice thereof be given in the same manner as required by law in cases of final settlements and any order or decree of the court on such settlement, after such notice, shall be final and conclusive as to all items of receipts and disbursements, and other transactions and matters shown therein, and as to all fees and compensation fixed or allowed to any such administrator, executor, guardian, trustee and attorney, and appeals therefrom shall and must be taken in the manner provided for from any other final decree of such court. Thereafter, at any time prior to final settlement the account may be reopened by the court on motion or petition of the administrator, executor, guardian, trustee, beneficiary, or other party having an interest in the estate, for amendment or revision, if it later appears that the account is incorrect, either because of fraud or mistake.

Section 3. In the allowance of fees to executors, administrators, guardians, trustees and their attorneys on final settlement, the court shall take into consideration such fees as may have been allowed and paid to them prior to such final settlement, but such administrators, executors, guardians or trustees shall be entitled to full credit for any fees allowed and paid on any annual or partial settlement after notice given as provided for in case of final settlements, except, as herein otherwise provided.

Section 4. This Act shall take effect upon its approval by the Governor.

Which was adopted.

Yeas, 26; Nays, 2.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Cook

Dorsey

Fletcher

Glover

Kelly

Kuykendall

Mixon

Mooneyham

McDowell

Parrish

Riddle

Russell

St. John

Simpson

Stephens

Swift

Taylor

Thomas

Tucker

Walden

Weaver

Woodall

—26

Nays: Messrs. Locke and Walton

—2

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 2.

Yeas:

Messrs.:

Bonner	Fletcher	Parrish	Swift
Browder	Glover	Russell	Taylor
Carlton	Kelly	St. John	Thomas
Chesnut	Kuykendall	Simpson	Walden
Cook	Mixon	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn

—24

Nays: Messrs. Locke and Walton

—2

The bill:

H. 77. To amend Section 6672 of the 1923 Code of Alabama. Was read a third time at length and lost.

Yeas, 7; Nays, 22.

Yeas:

Messrs.:

Kelly	Mooneyham	Tucker	Woodall
Locke	Swift	Walton	

—7

Nays:

Messrs.:

Bonner	Fletcher	Russell	Taylor
Browder	Glover	St. John	Thomas
Carlton	Kuykendall	Simpson	Walden
Chesnut	Mixon	Starnes	Weaver
Cook	McDowell	Stephens	Wellborn
Dorsey	Riddle		

—22

The bill:

H. 66. To amend an Act entitled An Act to amend Section 5742 of the Code of Alabama of 1923, approved July 23, 1931.

Was read a third time at length and passed.

Yeas, 28; Nays, 1.

Yeas:

Messrs.:

Bonner	Glover	Russell	Thomas
Browder	Goldsmith	St. John	Tucker
Carlton	Kelly	Simpson	Walden
Chesnut	Kuykendall	Starnes	Walton
Cook	Locke	Stephens	Weaver
Dorsey	Mixon	Swift	Wellborn
Fletcher	McDowell	Taylor	Woodall

—28

Nay: Mr. Parrish

—1

The bill:

H. 71. To repeal Sections 8653, 8654, 8655, 8656, 8657 and 8658 of the 1923 Code of Alabama.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Russell	Thomas
Browder	Kelly	St. John	Tucker
Carlton	Kuykendall	Simpson	Walden
Chesnut	Locke	Starnes	Walton
Cook	Mixon	Stephens	Weaver
Dorsey	Mooneyham	Swift	Wellborn
Fletcher	McDowell	Taylor	Woodall
Glover	Parrish		

—30

Nays:—None.

The bill:

H. 110. To amend Section 3759 of the Code of Alabama of 1923 relating to Solicitor's fees for convictions in misdemeanor cases in County Courts and Inferior Courts, so as to read as follows:

Was read a third time at length and passed.

Yeas, 29; Nays, 2.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover			

—29

Nays: Messrs. Goldsmith and Woodall

—2

The bill:

S. 115. To amend Schedule 93½ of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Browder	Fletcher	Kuykendall	McDowell
Carlton	Glover	Locke	Parrish
Chesnut	Goldsmith	Mixon	Riddle
Cook	Kelly	Mooneyham	Russell

St. John
Simpson
Starnes

Stephens
Swift
Taylor

Thomas
Tucker
Walden

Weaver
Wellborn
Woodall

—28

Nays:—None.

The bill:

S. 98 To amend Section Eleven (11) of an Act of the Legislature of 1931, approved February 25, 1931, and entitled "An Act to provide for and regulate and control primary elections for the nomination by political parties of candidates for public office within the State of Alabama" and to repeal all laws in conflict with such Section as amended.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 4.

Yeas:

Messrs.:

Carlton
Chesnut
Cook
Dorsey
Fletcher
Goldsmith

Kelly
Kuykendall
Locke
Mixon
McDowell
Russell

St. John
Simpson
Stephens
Swift
Taylor
Tucker

Walden
Walton
Weaver
Wellborn
Woodall

—23

Nays: Mooneyham, Riddle, Starnes and Thomas

—4

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the thirteenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the thirteenth Legislative day approved by the Senate.

ADJOURNMENT

At 5:50 P. M., on motion of Mr. Dorsey and pursuant to joint resolution heretofore adopted, the Senate adjourned until 10 o'clock to-morrow morning, March 18th, 1936.

FOURTEENTH DAY

Wednesday, March 18th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Senator Chesnut of Cherokee County.

ROLL CALL

Present:

Messrs.:			
Bonner	Glover	Riddle	Taylor
Browder	Goldsmith	Russell	Thomas
Carlton	Kelly	St. John	Tucker
Chesnut	Kuykendall	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Parrish	Swift	Woodall

—32

JOURNAL

On motion of Mr. Tucker the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 81. To Amend an Act approved September 13, 1935, entitled 'An Act to Amend Section 28 of an Act entitled "An Act to create a pilotage commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage, and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act; and to repeal all laws in conflict therewith," Approved March 4, 1931.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

REPORTS OF COMMITTEES

Mr. Fletcher, Chairman of the Standing Committee on Finance & Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Woodall:

S. 108. To mak an appropriation for the support, maintenance and improvement of The Southern Industrial Institute.

By Mr. Harrison (with substitute):

H. 19. To amend Schedule 158.1 of Chapter 6, article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calndar, to-wit:

By Mr. Swift:

S. 84. To authorize the employment in their discretion by municipalities in Alabama having a population of not less than twenty-five hundred and not more than fifteen thousand, according to the last or any succeeding Federal census, of a City Manager; and to provide for the authority, duties, liabilities and penalties, the term of office and the compensation of City Managers so employed.

By Mr. Hill (with notice and proof):

H. 258. To relieve all persons in Marion County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Marion County, Alabama.

By Mr. Hill (with notice and proof):

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof and the time and manner of the election and selection of the successors to the present members of said Board; to provide that one member of said Board shall be elected by the qualified electors of each of the sub-divisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties and powers of the said Board of Education, and for the compensation and qualification of members thereof.

By Mr. Walden (with notice and proof):

S. 121. To create and provide for a Purchasing Agent for Henry County, Alabama, dealing with and having reference to all purchases for the use of said county, where said purchase or purchases would be a charge against the funds of the county; naming the Probate Judge as such Purchasing Agent, and require him to serve with compensation and said compensation shall be based on purchase or purchases made by said Agent, and his compensation shall be 2% of the total amount of dollars and cents expended for each month's purchases; the Purchasing Agent shall be paid monthly and out of the funds available for the County; prescribing his powers, authority and duties; requiring all County officials, including County Road Supervisor, to make requisition to said Purchasing Agent for all supplies of every kind and description, including all road and bridge supplies and equipment, stationery, books, dockets, postage stamps and records needed by them in the discharge of their duties; requiring the sheriff of the County, County Road Supervisor, and the keeper or superintendent of the County alms house to make requisition of all supplies of every kind and description needed about the County jail and County alms house, County road and bridge supplies to be purchased by and through the Purchasing Agent, requiring that all purchases of the County, where same is to be paid for from the funds of the County, shall be made by said Purchasing Agent; and to provide penalties for the violation of this Act; to repeal all local or general laws in conflict with this Act and to specifically repeal an Act passed by the Legislature of Alabama, known as House Bill 429, and approved by the Governor, September 13, 1935.

By Mr. Todd:

H. 173. To amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each

of such counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such counties; to set up qualifications for apprentices or students in such counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such counties; to provide requirements of shops and schools teaching Cosmetology in such counties, provide for the refusal or revocation of certificates of registration in such counties, the requirement of renewal of registration and licenses in such counties and penalties for the violation of this Act," which became a law July 23rd, 1931.

By Mr. Mooneyham:

S. 130. To amend an Act entitled an Act, to fix the salary of the Judge of Probate in all counties in this State which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judges of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

By Mr. Simpson:

S. 123. To create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create Personnel Boards and other agencies for the supervision and administration of said System in each of such Counties and municipalities thereof, to define the scope and extent of said System and the powers, duties and authority of said Commission, Boards and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such

agencies over such Personnel; to provide for the payment of the expenses of each such agency and for a division of expense between the counties affected and the municipalities therein, to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

By Mr. Dominick (with notice and proof):

H. 192. To authorize the Board of Revenue or like governing body of Tuscaloosa County, Alabama, to set up and create out of the general funds of said County a contingent fund not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum; to define its purposes and uses and to provide the manner of disbursement of said fund: and to prescribe when this Act shall go into effect.

By Mr. Dominick (with notice and proof):

H. 191. To amend Section 3 of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for the compensation of Clerks, Deputies, Clerical Assistants and other expenses in the probate office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Tuscaloosa County; To provide for the payment of the salary or compensation of said Judge of Probate and the Clerks, Deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

By Mr. Dominick (with notice and proof):

H. 190. To fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as

such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, deputies and other Clerical Assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect.

By Mr. Adams (by request):

H. 177. To provide for the appointment of deputy circuit solicitors in all counties of this state, having a population of 300,000 or more according to the last or any subsequent Federal census, to prescribe their duties and to fix their compensation and to provide the way and manner of paying the same

By Mr. Steele:

H. 207. To provide for the taking of non-game fish in artificially impounded public waters lying within the boundaries of all counties of the State of Alabama which now or may hereafter have a population of not more than fifteen thousand (15,000) according to the last or any subsequent Federal Census; to provide means and devices for taking the same in said waters; to provide for license for the use of said devices and the means of issuing and procuring the same; to provide for penalties for violating the provisions of this Act; to provide that all revenues derived from the provisions of this Act shall be remitted on the first day of each month to the Commissioner of Conservation of Game, Fish and Seafoods, which shall be by him paid into the Treasury of the State of Alabama to the credit of the Game and Fish Fund; and to provide when this Act shall become effective.

By Mr. Tucker (with notice and proof):

S. 127. To regulate the office of the sheriff of Tuscaloosa County, Alabama; to exempt the sheriff of said County from court costs; to fix the compensation or salary to be paid the sheriff of Tuscaloosa County, Alabama, and to regulate the payment of the same; to fix the number and compensation of the sheriff's deputies, guards, jailers, and other employees of the sheriff; to require the deputy sheriffs and special deputy sheriffs of said sheriff to execute official bonds conditioned, payable and approved as the bond of the sheriff; to exempt the sheriff of said County from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to provide for the

payment of the premium on the sheriff's and all deputies' bonds out of the County Treasury; to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the County Treasury, including fees for feeding prisoners, to be paid into the general fund of said County; to provide for the payment of the expenses of the office of said sheriff, including the costs of supplying and maintaining automobiles used by said sheriff in his official business, and authorizing the Board of Revenue to appropriate the necessary money for such expenses, and to regulate the expenditure of same; authorizing the sheriff of said County to employ an attorney to advise and represent him, whose compensation is to be fixed by the Board of Revenue and paid out of the County Treasury; abolishing in so far as it relates to Tuscaloosa County, Alabama, sheriff's fees provided for in Section 6717 of the Code of Alabama, 1923, and providing that the sheriff of said County shall furnish bailiffs required in Section 6716 of the Code of Alabama, 1923; to provide that said County shall not be liable for the acts or omissions of said sheriff or any of his deputies, guards, jailers or other employees; to repeal all laws and parts of laws which, as applied to Tuscaloosa County, Alabama, are in conflict with the provisions of said Act; and providing when and how said Act shall become effective.

MESSAGE FROM THE GOVERNOR

On motion of Mr. Chesnut, the Senate concurred in and adopted the amendment proposed by the Governor to the bill:

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Said Governor's Message being in the following words and figures to-wit:

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the body in which it originated, Senate Bill No. 45 without my approval.

I suggest the following executive amendment, which, if adopted, will cure what seems to me to be the defects in the bill:

Strike from the title of the bill the following words where they occur together therein:

"coming to the Legislature of Alabama."

Respectfully,
Bibb Graves,
Governor.

March 18, 1936.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Taylor
Browder	Goldsmith	Russell	Thomas
Carlton	Kelly	St. John	Walton
Chesnut	Kuykendall	Simpson	Weaver
Cook	Mixon	Starnes	Wellborn
Dorsey	Mooneyham	Stephens	Woodall
Frazer	McDowell	Stoddard	

—27

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	St. John	Thomas
Browder	Goldsmith	Simpson	Tucker
Carlton	Kelly	Starnes	Walden
Chesnut	Kuykendall	Stephens	Weaver
Cook	Mixon	Stoddard	Wellborn
Dorsey	Parrish	Taylor	Woodall
Frazer	Russell		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 18. To amend Article XIII, Chapter 1, Section 348, Schedule 104 of the General Revenue Law of 1935 entitled "An Act to provide for the general revenue of the State of Alabama."

Also:

H. 105. To authorize the Court of County Commissioners of Bullock County, Alabama, to replace in the Fine and Forfeiture Fund of said county, by transfer from the General Fund of said county to the Fine and Forfeiture Fund of said county, such sums of money as have been heretofore transferred from said Fine and Forfeiture Fund to the General Fund of said county.

Also:

H. 200. To Regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

Also:

H. 203. To authorize the Board of County Commissioners, or such like Governing Body of Madison County, to donate and appropriate to the Public Welfare Board in said County for relief of destitution, proceeds of the excise tax on gasoline, distributed to said County under the provisions of Article XIII, Chapter 4, of an Act of the Legislature of Alabama entitled: "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and to ratify and confirm such donations and appropriations heretofore made to the Public Welfare Board in said county; and to repeal all laws in conflict with this Act.

Also:

H. 237. To require the Commissioners Court of Marshall County to approve and the treasurer of said County of Marshall to pay the cost of advertising any local legislation for Marshall County that may have the approval of the representative of Marshall County in the Legislature.

Also:

H. 239. To amend An Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officer; to prescribe the duties of the said officer, and to fix the term and compensation of said officer" approved Feb. 17, 1931.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of

the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendments to the following House bills:

By Mr. Denson:

H. 39. To amend Section 6667 of the 1923 Code of Alabama.

Also:

By Mr. Davis:

H. 104. To amend section 8605 of the Code of Alabama 1923.

Also:

By Mr. Chichester:

H. 24. To amend an Act entitled "An Act to amend Section 269 of an Act entitled 'An act to provide for the general revenue of the State of Alabama' approved July 10, 1935", approved September 4th, 1935.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House bill:

By Mr. Welch:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

And requests Committee of Conference. The Speaker of the House has named as conferees on the part of the House Messrs. Lusk, Sparks (Barbour) and Welch.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Woodall, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two houses on the Senate amendment to H. 109, the title to which is set out in the foregoing Message from the House, and the President of the Senate appointed as conferees on part of the Senate Messrs. Woodall, Walton and Kelly.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

By Mr. Chichester:

H. 27. To amend Section VIII of an act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools." Approved Sept. 6, 1935.

Also:

By Mr. Todd:

H. 99. To amend Schedule 158.5 of chapter 6, Article 13, of an act entitled "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

By Mr. Rayburn:

H. 100. To amend Section 9709 of the Code of Alabama of 1923 relating to transportation companies as defined therein.

Also:

By Mr. Hare:

H. 106. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for licensing such dealers or the conduct of such businesses; to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

Also:

By Mr. Goolsby:

H. 121. To amend an act approved March 15, 1933, to amend Section 8605 of the Code of Alabama of 1923.

Also:

By Mr. Lusk:

H. 133. To amend Section 103 of Article 4 of an act entitled "To provide for the general revenue of the State of Alabama" approved July 10, 1935, pertaining to and providing for appeals from final assessments by the State Tax Commission.

Also:

By Mr. Taylor:

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Also:

By Mr. Taylor:

H. 137. To Amend Section 360 of an Act entitled "An Act to provide for the general revenue of the State of Alabama, approved July 10, 1935 and known as House Bill 324.

Also:

By Mr. Almon:

H. 148. To amend Section 178 of Article 6 of an act entitled, "An act to provide for the general revenue of the State of Alabama", Approved July 10, 1935.

Also:

By Mr. Douglass:

H. 158. To Amend Section 276 of an Act entitled "an act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

By Mr. Robertson:

H. 178. To amend Schedule 158 of Chapter 6, Article 13 of "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

By Mr. Wallace:

H. 199. To amend Section 2 of Article 2 of an Act of the Legislature of Alabama approved October 28, 1932, entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier

Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act;" and to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school or while being used for any school purpose or any public or community purpose at the direction of or by authority of the superintendent of education having supervision over the school or schools regularly served by such motor vehicles from any license tax or registration fee as a contract carrier or common carrier or jitney bus, and to make provision for special license tags to be provided at state expense for such motor vehicles; and to exempt from the provisions of said Act approved October 28, 1932, all motor vehicles while engaged exclusively in hauling Agricultural products, Dairy products, Livestock and Forest products from any point of loading to any point of unloading, where the distance from point of loading to point of unloading is not over one hundred miles measured by the route over which said products are hauled.

Also:

By Mr. Owen (Etowah):

H. 204. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit

payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, Page 950.)

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House bills 27, 99, 133, 136, 137, 148, 158, 178 and 204, to the Committee on Finance and Taxation.

H. 100, to the Committee on Judiciary.

H. 106, to the Committee on Agriculture.

House bills 121 and 199, to the Committee on Revision of Laws.

RESOLUTIONS

Mr. Cook offered the following Senate resolution:

S. R. 30. WHEREAS, Senate Bill No. 98 was passed by the Senate on March 17, 1936; and

WHEREAS, Said bill has passed out of the Senate and is now in the House of Representatives; and

WHEREAS, The Senate desires that said Bill be returned to the Senate.

THEREFORE, be it resolved by the Senate that the Senate does now hereby request the House of Representatives to return

to the Senate Senate Bill No. 98, for such other and further action as the Senate may determine.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report to-wit:

S. R. 30. Requesting the House to return to the Senate for further action S. 98.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

Yeas, 22; Nays, 11.

Yeas:

Messrs.:

Bonner	Goldsmith	Parrish	Stoddard	
Carlton	Kelly	Riddle	Taylor	
Chesnut	Kuykendall	St. John	Thomas	
Cook	Locke	Starnes	Walton	
Fletcher	Mixon	Stephens	Woodall	
Glover	Mooneyham			—22

Nays:

Messrs.:

Browder	McDowell	Swift	Weaver	
Dorsey	Russell	Tucker	Wellborn	
Frazer	Simpson	Walden		—11

RECESS

At 1:15 P. M., on motion of Mr. Mooneyham, the Senate took a recess until 4 o'clock this afternoon.

FOURTEENTH DAY—AFTERNOON SESSION

Wednesday, March 18th, 1936.

The Senate re-assembled at 4 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starres	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Parrish	Swift	Woodall
Glover			

—33

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Woodall:

S. 132. To provide office hours for the Sheriff, Tax Collector, Tax Assessor, Clerk of the Circuit Court, and Register of the Circuit Court.

Committee on Revision of Laws.

By Mr. Cook:

S. 133. To submit to the qualified electors of the State of Alabama at the general election to be held November, 1936, for their consideration an amendment to the Constitution of the State of Alabama by amending Section 138 of Article 5 of the Constitution of Alabama.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

REPORT OF COMMITTEE

Mr. Russell, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mooneyham:

S. 51. To prohibit persons, firms or corporations operating steam railroads in intrastate transportation of persons and property within the State of Alabama unifying or consolidating freight or passenger depots, freight or passenger terminals, freight or passenger yard tracks, freight or passenger shops or any freight or passenger terminal facilities, within the State of Alabama, used in the intrastate transportation of persons or property, where such unification or consolidation will constitute an unreasonable burden upon intrastate commerce within the State of Alabama or is not consistent with the **public interest**.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Kelly:

H. J. R. 28. Be it resolved by the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet at 10 A. M. Friday, March the 20th.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Riddle, H. J. R. 28, set out in the foregoing Message from the House, was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Sparks (Barbour):

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the

method of such payment; to provide the proof of such loss and to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

"To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to the House of Representatives, the body in which it originated, House Bill No. 95 without my approval.

I suggest the following executive amendment which, if adopted, will meet my objection to the bill:

Add to Section 1 of said Bill the following:

"Such payment to be made from funds now in the Treasury as the result of the sale of refunding bonds of the State of Alabama issued for the purpose of refunding the warrant refunding bonds, as provided for by an Act of the Legislature, approved February 8, 1935".

Respectfully submitted,

BIBB GRAVES.

Governor.

March 18, 1936."

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 95, by a vote of a majority of the whole number elected to the House, said vote being Yeas, 90; Nays, 0.

And said bill, H. 95, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being Yeas, 90; Nays, 0.

And said bill, together with the Governor's Message containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. McDowell, the Senate concurred in the amendment proposed by His Excellency, the Governor, to H. 95, the title of which and said proposed amendment is set out in the foregoing Message from the House.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Chesnut
Cook

Dorsey
Fletcher
Glover
Goldsmith

Kelly
Kuykenda!!
Locke
Mixon

Mooneyham
McDowell
Parrish
Riddle

Russell	Swift	Tucker	Weaver
St. John	Taylor	Walden	Wellborn
Starnes	Thomas	Walton	Woodall
Stephens			

—29

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed:.

Yeas, 29; Nays, 0.

<i>Yeas:</i>			
Messrs.:			
Bonner	Kelly	Riddle	Thomas
Browder	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Swift	Wellborn
Glover	Parrish	Taylor	Woodall
Goldsmith			

—29

Nays:—None.

Which was a majority of the whole number elected to the Senate.

BILLS INDEFINITELY POSTPONED

On motion of Mr. McDowell, further consideration of the bill: S. 38. To propose an amendment to Section 197 of Article IX of the Constitution of Alabama of 1901.

Was indefinitely postponed by the Senate.

Yeas, 18; Nays, 11.

<i>Yeas:</i>			
Messrs.:			
Bonner	Goldsmith	Parrish	Stoddard
Carlton	Kelly	Riddle	Taylor
Dorsey	Locke	Russell	Thomas
Frazer	Mooneyham	Simpson	Woodall
Glover	McDowell		

—18

<i>Nays:</i>			
Messrs.:			
Browder	St. John	Tucker	Weaver
Chesnut	Stephens	Walden	Wellborn
Mixon	Swift	Walton	

—11

MOTION TO RE-CONSIDER VOTE

Mr. Bonner moved that the vote by which the Senate just indefinitely postponed S. 38, be re-considered, which motion was lost and the Senate refused to re-consider said vote.

On motion of Mr. Tucker, further consideration of the bill:

S. 24. To further regulate the speed of motor driven vehicles on the highways of the State of Alabama.

Was indefinitely postponed by the Senate.

Yeas, 16; Nays, 15.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Cook

Dorsey

Parrish

Russell

Simpson

Starnes

Stephens

Taylor

Thomas

Tucker

Walden

Walton

Wellborn

—16

Nays:

Messrs.:

Bonner

Fletcher

Frazer

Glover

Goldsmith

Kelly

Kuykendall

Locke

Mixon

Mooneyham

McDowell

St. John

Stoddard

Weaver

Woodall

—15

On motion of Mr. Wellborn, the Senate indefinitely postponed further consideration of the following bills:

S. 39. To amend Section 1508 of the Code of Alabama of 1923.

Also:

S. 40. To amend Section 1507 of the Code of Alabama of 1923.

Also:

S. 41. To propose an amendment to Section 198 of Article IX of the Constitution of Alabama of 1901.

BILLS ON THIRD READING

The bill:

S. 94. To further regulate absentee voting.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 4.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Cook

Dorsey

Fletcher

Frazer

Glover

Kelly

Kuykendall

Mixon

Mooneyham

McDowell

Parrish

Russell

St. John

Stephens

Swift

Taylor

Thomas

Tucker

Walton

Weaver

Woodall

—25

Nays: Messrs. Locke, Simpson, Starnes and Wellborn

—4

The bill:

H. 175. To amend Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office", by providing an expense allowance to said Superintendent of Education.

Was taken up.

Mr. Weaver offered the following substitute for said bill to-wit:
Substitute for H. 175:

A BILL

To be entitled An Act to amend Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office", approved June 21, 1931 by providing an expense allowance to said Superintendent of Education.

Be it enacted by the Legislature of Alabama:

That Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office" be and the same is hereby amended to read as follows:

"Section 3. That the salary of said County Superintendent of Education shall be fixed by the County Board of Education of Limestone County, Alabama, which salary shall not be less than \$2,000.00 nor more than \$3,000.00 per annum, and which salary shall be paid in the same way and manner as now provided under the general laws of the State of Alabama, for the payment of County Superintendents of Education in the several counties of the state. That on and after January 12, 1937, said Superintendent of Education shall be allowed for traveling expenses incurred in the actual performance of his official duties a sum not to exceed Three Hundred Dollars per annum, which expense account shall be audited and approved by the County Board of Education, monthly, before the same is paid. Said expense allowance shall be paid in the same way and manner as the salary of said Superintendent of Education of Limestone County."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Cook	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Goldsmith	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Cook	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Goldsmith	Russell		

—26

Nays:—None.

The bill:

S. 122. To amend Section 2 of an Act entitled "An Act to authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State." (Approved September 2, 1935.)

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Russell	Thomas
Browder	Kelly	St. John	Tucker
Carlton	Kuykendall	Simpson	Walden
Chesnut	Locke	Starnes	Walton
Cook	Mixon	Stephens	Weaver
Dorsey	Mooneyham	Stoddard	Wellborn
Fletcher	Parrish	Swift	Woodall
Glover	Riddle	Taylor	

—31

Nays:—None.

The bill:

S. 111. To further provide for and regulate the election of delegates to political party conventions.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 8.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Walden
Browder	Mixon	Swift	Walton
Dorsey	McDowell	Taylor	Weaver
Fletcher	Russell	Thomas	Wellborn
Frazer	St. John	Tucker	Woodall
Goldsmith			

—21

Nays:

Messrs.:

Carlton	Cook	Kelly	Parrish
Chesnut	Glover	Kuykendall	Stephens

—8

The bill:

S. 110. To further provide for and regulate the selection of candidates for public office by political parties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 5.

Yeas:

Messrs.:

Bonner	Goldsmith	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Cook	Locke	Simpson	Walden
Dorsey	Mixon	Stoddard	Walton
Fletcher	McDowell	Swift	Weaver
Glover	Riddle	Taylor	Woodall

—24

Nays: Messrs. Carlton, Chesnut, Kelly, Parrish and Stephens

—5

The bill:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate in all Counties having a population of fifty-five thousand or more, according to the last Federal census.

Was taken up.

Mr. Simpson offered the following amendment to said bill to-wit:

Amend S. 117:

Amend the title and Sections 1 and 3 by striking therefrom the words "fifty five thousand" where the same occur together therein and inserting in lieu thereof the words "forty thousand."

Which was adopted.

Yeas, 27; Nay, 1.

Yeas:**Messrs.:**

Bonner	Kelly	Riddle	Swift
Browder	Kuykendall	Russell	Taylor
Carlton	Locke	St. John	Thomas
Chesnut	Mixon	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Weaver
Glover	McDowell	Stephens	Wellborn
Goldsmith	Parrish	Stoddard	

—27

Nay: Mr. Walton

—1

Mr. Simpson also offered the following amendment to said bill to-wit:

Amend Sec. 10 of S. B. 117 so as to read as follows:

Section 10. Unless the Board of Revenue, County Commissioners or other governing body of a County within the population class subject to this act adopts a resolution on a date more than thirty days prior to Oct. 1st, 1936, withdrawing such County from the provisions of this Act, this Act shall become effective in all counties subject thereto on Oct. 1st, 1936. All Counties declining to become subject hereto shall assess and collect taxes as now or hereafter provided by law, except that their governing body may hereafter elect to come within the terms hereof, by resolution to that effect adopted more than thirty days prior to the 1st day of October of the year in which it is proposed to install this system in the County.

Which was adopted.

Yeas, 26; Nays, 3.

Yeas:**Messrs.:**

Bonner	Glover	Parrish	Taylor
Browder	Goldsmith	Riddle	Thomas
Chesnut	Kelly	Simpson	Tucker
Cook	Locke	Starnes	Walden
Dorsey	Mixon	Stoddard	Weaver
Fletcher	Mooneyham	Swift	Wellborn
Frazer	McDowell		

—26

Nays: Messrs. Russell, Stephens and Woodall

—3

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 28; Nays, 3.

Yeas:**Messrs.:**

Bonner	Frazer	Parrish	Swift
Browder	Glover	Russell	Taylor
Carlton	Kelly	Riddle	Thomas
Chesnut	Locke	Simpson	Tucker
Cook	Mixon	St. John	Walden
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stoddard	Wellborn

—28

Nays: Messrs. Stephens, Walton and Woodall

—3

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fourteenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the fourteenth Legislative day approved by the Senate.

ADJOURNMENT

At 5:30 P. M., on motion of Mr. Simpson and according to joint resolution heretofore adopted, the Senate adjourned until Friday, March 20th, 1936, at 10 A. M.

FIFTEENTH DAY

Friday, March 20th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Fletcher
Frazer
Glover

Goldsmith
Kelly
Kuykendall
Locke
Mixon
Mooneyham
McDowell
Parrish
Riddle

Rogers (Mobile)
Russell
St. John
Simpson
Starnes
Stephens
Stoddard
Swift

Taylor
Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

JOURNAL

On motion of Mr. Rogers (Mobile) the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. McDowell:

S. 134. To amend Section 793, of the Code of Alabama, 1923.
Committee on Judiciary.

By Mr. McDowell:

S. 135. To amend Section 798, of the Code of Alabama, 1923.
Committee on Judiciary.

By Mr. McDowell:

S. 136. To amend Section 10342 of the Code of Alabama, 1923.
Committee on Judiciary.

By Mr. Swift (by request):

S. 137. To amend Schedule 42 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Committee on Finance and Taxation.

By Mr. Swift:

S. 138. To fix, prescribe and authorize a classification or application of Utility rates to be charged by the Public Utilities of the State of Alabama, against churches, hospitals and eleemosynary institutions.

Committee on Commerce and Common Carriers.

By Mr. Simpson:

S. 139. To amend Schedule 158.15 of Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Committee on Finance and Taxation.

By Mr. Simpson:

S. 140. To create and establish in each city of the State of Alabama which has a population of 100,000 or more people, according to the last Federal Census, or which may hereafter have a population of 100,000 or more people, according to any subsequent Federal Census, a city wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such

cities; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said system in each of such cities; to define the scope and extent of said system and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for payment of the expenses of each such agency; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Committee on Local Legislation.

By Mr. Rogers (Mobile):

S. 141. To require all Sheriffs, who are not on a salary exclusively, but who receive fees or part fees for their services and compensation, to file monthly itemized statements, under oath, with the treasurer, or such other corresponding officer, in their respective counties, showing monies received and expended by said officers in their respective offices, and departments, in all counties of the State of Alabama, having a population of not less than one hundred thousand and not exceeding two hundred and fifty thousand, according to the last, or any subsequent Federal census; and to provide penalties for failure to file such reports.

Committee on Local Legislation.

By Mr. Mooneyham:

S. 142. To provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this Amendment is proposed, An Amendment to the Constitution of Alabama whereby the County of Montgomery in the State of Alabama may levy and collect a Special County Tax not exceeding 30 cents on each one hundred dollars of taxable property in such county, in addition to that now authorized or that may hereafter be authorized for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 1 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such County and voted for by a majority of those voting at such election.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Mooneyham:

S. 143. To authorize and require the Board of Education in any County in the State of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal Census to provide a pension or retiring allowance for teachers who have served in the public schools of such county.

Committee on Local Legislation.

By Mr. Woodall:

S. 144. To amend subsection 8 of subdivision (b) of Section 51 of Article 2 of an Act entitled, "An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission, and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue," approved August 23, 1927, and known and designated as the "Alabama Highway Code."

Committee on Public Roads and Highways.

By Mr. Kuykendall:

S. 145. To authorize the payment of the per diem and mileage of the members of the Courts of County Commissioners or Boards of Revenue or like governing bodies in all counties in the State of Alabama which now have or which may hereafter have a population of not more than 26,100 according to the last or any subsequent Federal Census out of the excise gas tax fund of the County

when engaged in inspecting, accepting, building, repairing or maintaining public roads or bridges in their respective counties; and to repeal all laws and parts of laws, general special, private and local in conflict with the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Kuykendall:

S. 146. To authorize the Courts of County Commissioners, Boards of Revenue and like governing bodies in all counties in the State of Alabama to provide that charges for all office supplies, such as stationery, carbon paper, ink, light bulbs and other consumable articles and postage, telephone and telegraph, telephone rent, long distance calls and school census expenses incurred by the County Superintendent of Education and/or the County Board of Education or like governing body in all counties in the State of Alabama wherein they now become a charge against the general fund of said counties, respectively, shall be transferred from the general funds of said counties, respectively, so that from and after the passage and approval of this Act they will become a charge against the educational funds of said counties, respectively, when in the opinion of the Courts of County Commissioners, Boards of Revenue or like governing bodies of said county or counties such transfer is deemed necessary and desirable; and to repeal all laws and parts of laws, general, special, private and local in conflict with the provisions of this Act.

Committee on Local Legislation.

By Mr. Locke:

S. 147. Providing for and requiring each and every person, firm, association, partnership, agency, lessee, trustee or corporation engaged in the business of operating a motor vehicle for hire for the transportation of persons within the limits of a city or incorporated town, or within the police jurisdiction thereof, or between two cities or incorporated towns whose city limits adjoin, or within the police jurisdiction thereof, to post and file with the City Clerk of the city or incorporated town in which such business is carried on an indemnity bond or indemnity insurance policy for the protection of persons using such motor vehicle, and for the protection of the general public against injury and damage to person and property proximately caused by the negligence of such person, firm, association, partnership, agency, lessee, trustee or corporation, or the servant, agent or employee of any of them, in the operation of such motor vehicle; making it unlawful to operate such motor vehicle without first filing such bond or policy and without the same being first approved by the City Clerk of the city or incorporated town in which such business is carried on, and without the same being maintained at all times; and to prescribe punishment and penalties for the violation of this Act.

Committee on Municipalities.

By Mr. Woodall:

S. 148. To ratify and approve the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the Southern Bell Telephone and Telegraph Company, Incorporated, upon warrants drawn on claims that were approved by the Court of County Commissioners of said County for a telephone for the office of the County or Deputy Solicitor of said County during the time between the dates of January 15, 1928 and January 15, 1934, both inclusive. Said sum of \$171.71 having been paid as aforesaid under and by virtue of an Act of the Legislature of Alabama, entitled "An Act To amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the office of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General Acts of Alabama of 1927, page 218, which said Act having heretofore been declared invalid by the Attorney General of Alabama, as to the payment of said sum.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama,
Elmore County.

Before me, Gertrude McGehee, Notary Public in and for said County in said State personally appeared Winton W. Bateman who is known to me and who being by me first duly sworn deposes and says as follows:

That the Wetumpka Herald is a newspaper that is published weekly in Wetumpka, Elmore County, Alabama, that said newspaper is published on Friday of each week, that he is Business Manager of said newspaper and is in active management of same, that the following notice, to-wit:

LEGAL NOTICE

State of Alabama, Elmore County.

Notice is hereby given of the intention to apply (and that application will be made) to the Legislature of Alabama during its Special Session of the year 1936 for passage and making into law of the following Bill, to-wit:

A BILL TO BE ENTITLED AN ACT.

To ratify and approve the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the Southern Bell Telephone & Telegraph Company, Incorporated, upon warrants drawn on claims that were approved by the Court of County Commissioners of said County for a telephone for the office of the County or Deputy Solicitor of said County during the time between the dates of January 15, 1928 and January 15, 1934, both inclusive. Said sum of \$171.71 having been paid as aforesaid under and by virtue of an act of the Legislature of Alabama, entitled "An Act To amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and

Road Commissioners, or like body, in each County in the State to provide telephones for the offices of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General Acts of Alabama of 1927, page 218, which said Act having heretofore been declared invalid by the Attorney General of Alabama, as to the payment of said sum.

Whereas the County Treasurer of Elmore County, Alabama has paid to the Southern Bell Telephone and Telegraph Company, Incorporated, on warrants drawn upon claims that were approved by the Court of County Commissioners of said County the sum of \$171.71 for a telephone for the office of County or Deputy Solicitor of said County for the time between the dates of January 15, 1928 and January 15, 1934, both inclusive, and

Whereas said claims were approved by said Court of County Commissioners and said warrants were drawn under and by virtue of an Act of the Legislature of Alabama, entitled "An Act to amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the offices of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", and said Act has been heretofore declared invalid by the Attorney General of Alabama as to said payment of said sum of \$171.71, and

Whereas the purpose of this Act is to approve, ratify and make legal said payment of said sum.

Therefore, Be it Enacted by the Legislature of Alabama:

Section 1. That the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the Southern Bell Telephone and Telegraph Company, Incorporated, for a telephone for the office of County or Deputy Solicitor of said County for the time between the dates of January 15, 1928 and January 15, 1934, both inclusive, on warrants that were drawn upon claims that were approved by the Court of County Commissioners of said County under and by virtue of An Act entitled, "An Act to amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the offices of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties", approved September 25, 1919", General Acts of Alabama of 1927, page 218, which has been heretofore declared invalid by the Attorney General of Alabama as to said payment, be and hereby is ratified and approved, and declared and made in all things legal and according to law.

Section 2. That all laws and parts of laws, whether general or special, that are in any way in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. That if any provision of this Act is by any Court declared invalid none of the remaining provisions shall be affected thereby.

Section 4. That the provisions of this Act shall become and be effective as law immediately upon approval by the Governor.

was recently published in said newspaper once a week for four consecutive weeks, that said notice appeared in the issues of said newspaper that were published on February 21, 1936, February 28, 1936, March 6, 1936 and March 13, 1936, and that he has authority to make this affidavit and that the statements contained herein are true.

WINTON W. BATEMAN.

Sworn and subscribed to before me on this the 19th day of March, 1936, and in witness whereof I have hereunto set my hand and official seal.

(Seal) GERTRUDE McGEHEE,
Notary Public, Elmore County, Ala.

By Mr. Fletcher:

S. 149. For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE IS HEREBY GIVEN THAT APPLICATION WILL BE MADE TO THE LEGISLATURE OF ALABAMA at its present session for the passage of a local Act, in substance as follows:

AN ACT

FOR THE RELIEF OF THOMAS W. JONES, FORMERLY PROBATE JUDGE OF MADISON COUNTY, ALABAMA.

WHEREAS, by an Act of the Legislature of Alabama, approved February 17, 1885, (General Acts 1884-85, pages 591-5), fees and compensation for Judges of Probate for Madison County were fixed and specified:

AND WHEREAS, thereafter Article 24 of the Constitution of Alabama was amended and the amendment duly ratified on the 18th day of July, 1933, and proclaimed by the Governor on August 2, 1933:

AND WHEREAS by the terms of said constitutional amendment and of an Act of the Legislature of Alabama approved September 9, 1935, the maximum salary, fees, compensation, or amount due public officers, including Judges of Probate, were fixed and limited, and such officers are required by said constitutional amendment and statute to pay over to the County all sums received by them in excess of the maximum permitted to be received, and the reasonable expense of conducting the office:

AND WHEREAS, Thomas W. Jones, formerly Probate Judge of Madison County, during that portion of his term from September 1, 1933, collected and received fees, commissions and compensation for the services specified in said Act of the Legislature of Alabama, approved February 17, 1885, in accordance with the schedule of fees and compensation as provided in said Act, and in amounts less than is provided by General Law of Alabama:

NOW, THEREFORE BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the collection of fees and compensation, by the said Thomas W. Jones, as Probate Judge of Madison County, for services rendered by him as such Probate Judge, during said period from September 1, 1933 to the end of his term of office in accordance with the provisions of said Act of the Legislature of Alabama, approved February 17, 1885, be and the same is hereby ratified and validated, and the said Thomas W. Jones, is hereby released and discharged from any and all liability to Madison County on account of having collected and received fees and compensation in accordance with the provisions of the aforesaid Act, approved February 17, 1885, instead of in accordance with the schedule of fees and compensation for Probate Judges, as set out in the general laws of Alabama, and is hereby relieved from the duty of accounting to Madison County for the difference in specified items of fees for services set out in the said Act approved February 17, 1885, and fees for such services provided by the General Laws of Alabama for Probate Judges.

Section 2. This Act shall go into effect immediately upon its approval by the Governor.

STATE OF ALABAMA }
 MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of local bill to be introduced for passage in the Legislature of Alabama was published in said newspaper once a week for four consecutive weeks on February 13, 1936, February 20, 1936, February 27, 1936, and March 5, 1936.

JACK LANGHORNE.

Sworn to and subscribed before me this 7 day of March, 1936.

W. P. NICHOLSON,
 Notary Public.

By Mr. Fletcher:

S. 150. For the relief of W. E. Butler, Probate Judge of Madison County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE IS HEREBY GIVEN THAT APPLICATION WILL BE MADE TO THE LEGISLATURE OF ALABAMA at its present session for the passage of a local Act, in substance as follows:

AN ACT

FOR THE RELIEF OF W. E. BUTLER, PROBATE JUDGE OF MADISON COUNTY, ALABAMA.

WHEREAS, by an Act of the Legislature of Alabama, approved February 17, 1885, (General Acts 1884-85, pages 591-5), fees and compensation for Judges of Probate for Madison County were fixed and specified;

AND WHEREAS, thereafter Article 24 of the Constitution of Alabama was amended and the amendment duly ratified on the 18th day of July, 1933, and proclaimed by the Governor on August 2, 1933;

AND WHEREAS, by the terms of said constitutional amendment and of an Act of the Legislature of Alabama approved September 9, 1935, the maximum salary, fees, compensation, or amount due public officers, including Judges of Probate, were fixed and limited, and such officers are required by said constitutional amendment and statute to pay over to the County all sums received by them in excess of the maximum permitted to be received, and the reasonable expenses of conducting the office;

AND WHEREAS, W. E. Butler, Probate Judge of Madison County, during that portion of his term from January 15, 1935, thru September 30, 1935, followed the custom of his predecessors in office and collected and received fees, commissions and compensation for the services specified in said Act of the Legislature of Alabama, approved February 17, 1885, in accordance with the schedule of fees and compensation as provided in said Act, and in amounts less than is provided by General Law of Alabama;

NOW, THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the collection of fees and compensation, by the said W. E. Butler, as Probate Judge of Madison County, for services rendered by him as such Probate Judge during said period from January 15, 1935 thru September 30, 1935, inclusive, in accordance with the provisions of said

Act of the Legislature of Alabama, approved February 17, 1885, be and the same is hereby ratified and validated, and the said W. E. Butler, is hereby released and discharged from any and all liability to Madison County on account of having collected and received fees and compensation during said period from January 15, 1935 thru September 30, 1935, inclusive, in accordance with the provisions of the aforesaid Act, approved February 17, 1885, instead of in accordance with the schedule of fees and compensation for Probate Judges, as set out in the general laws of Alabama, and is hereby relieved from the duty of accounting to Madison County for the period from January 15, 1935, thru September 30, 1935, inclusive, for the difference in specific items of fees for services set out in the said Act approved February 17, 1885, and the fees for such services provided by the General Laws of Alabama for Probate Judges.

Section II. This Act shall go into effect immediately upon its approval by the Governor.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of local bill to be introduced for passage in the Legislature of Alabama was published in said newspaper once a week for four consecutive weeks, on February 20, 1936, February 27, 1936, March 5, 1936, and March 12, 1936.

JACK LANGHORNE,

Business Manager.

Sworn to and subscribed before me this the 12 day of March, 1936.

W. P. NICHOLSON,

Notary Public.

REPORTS OF COMMITTEES

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stephens (with amendment):

S. 89. To amend Sections 5 and 12 of an Act approved September 14, 1935, entitled "An Act to authorize, provide for, and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service."

By Mr. Stephens:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit

claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

By Mr. Roberson (Cullman):

H. 178. To amend Schedule 158 of Chapter 6, Article 13 of "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

By Mr. Chichester:

H. 27. To amend Section VIII of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools." approved Sept. 6, 1935.

By Mr. Stephens (with amendment):

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion

of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 75. To create and establish a state adult probation department and a state probation commission, together with branches thereof and to describe the rights, powers and duties of said department and said commission and its branches; to provide for the appointment and term of office of its officers and fix the powers duties thereof; to fix the salaries and compensation of the officials and employees of said department and commission and to provide for the expenses thereof; to provide regulations establishing the eligibility of cases for probation; to provide regulations for those placed on probation and to establish conditions upon which probation may be revoked, modified, extended or cancelled; to provide for the suspension of sentence by the criminal courts of this state, having original jurisdiction in criminal cases and to authorize such courts to remit such part of the punishment imposed on those convicted in criminal cases and to further provide when this act shall become effective.

By Mr. Swift (with substitute):

S. 101. Providing for interest rates, collection charges and attorney's fees on loans not exceeding \$1,000.00 and payable in installments; and to repeal all laws and parts of laws, general, special, local and private, in conflict with the provisions of this act.

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly:

S. 119. To amend Section 9001 of the Code of 1923, relating to marriage licenses.

By Mr. Woodall:

S. 132. To provide office hours for the Sheriff, Tax Collector, Tax Assessor, Clerk of the Circuit Court, and Register of the Circuit Court.

By Mr. Wallace (with amendments):

H. 199. To amend Section 2 of Article 2 of an Act of the Legislature of Alabama approved October 28, 1932, entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act;" and to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school or while being used for any school purpose or any public or community purpose at the direction of or by authority of the superintendent of education having supervision over the school or schools regularly served by such motor vehicles from any license tax or registration fee as a contract carrier or common carrier or jitney bus, and to make provision for special license tags to be provided at state expense for such motor vehicles; and to exempt from the provisions of said Act approved October 28, 1932, all motor vehicles while en-

gaged exclusively in hauling Agricultural products, Dairy products, Livestock and Forest products from any point of loading to any point of unloading, where the distance from point of loading to point of unloading is not over one hundred miles measured by the route over which said products are hauled.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Roberson (Cullman), with notice and proof), with amendment):

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office, to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this State; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensation of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board.

To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

By Mr. Castleberry (with notice and proof):

H. 270. To provide that the compensation of members of the Board of Revenue of Conecuh County, Alabama, may be paid out of the Gasoline Excise Tax Fund.

By Mr. Walker (with notice and proof), (with substitute):

H. 176. To amend Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations".

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 124. To amend Section 31 of an Act entitled "An Act to authorize any County, City or incorporated Town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such County, City or incorporated Town, as the case may be; and to authorize any County, City or incorporated Town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such County, City or incorporated Town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation, of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes", approved March 29, 1933, as amended, so as to permit the redemption of bonds with or without a premium, and so as to delete a portion of said section.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bill with the original bill, and finds same correctly engrossed, to-wit:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collectng taxes on real estate in all Counties having a population of forty thousand or more, according to the last Federal census.

Vernon L. St. John,
Chairman.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House bill:

H. 175. To amend Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office", approved June 21, 1931 by providing an expense allowance to said Superintendent of Education.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

Under Senate Resolution 30 by Mr. Cook, the following Senate bill is herewith returned to the Senate:

By Mr. Simpson:

S. 98. To Amend Section Eleven (11) Of An Act Of The Legislature Of 1931, Approved February 25, 1931, And Entitled "An Act To Provide For And Regulate And Control Primary Elections For The Nomination By Political Parties Of Candidates For Public Office Within The State Of Alabama" And To Repeal All Laws In Conflict With Such Section As Amended.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

Mr. Cook moved to re-consider the vote by which S. 98, the title of which is set out in the foregoing message from the House, was previously passed by the Senate, which motion prevailed and said vote was re-considered.

Yeas, 18; Nays, 11.

Yeas:**Messrs.:**

Bonner	Glover	Parrish	Taylor	
Browder	Kelly	Riddle	Thomas	
Carlton	Kuykendall	St. John	Walton	
Chesnut	Mixon	Stephens	Woodall	
Cook	Mooneyham			—18

Nays:**Messrs.:**

Dorsey	Rogers (Mobile)	Swift	Weaver	
Fletcher	Russell	Tucker	Wellborn	
McDowell	Simpson	Walden		—11

Said bill was then put upon its passage and lost by failure to receive the required Constitutional majority.

Yeas, 15; Nays, 15.

Yeas:**Messrs.:**

Dorsey	Rogers (Mobile)	Taylor	Weaver	
Fletcher	Russell	Tucker	Wellborn	
Locke	Simpson	Walden	Woodall	
McDowell	Swift	Walton		—15

Nays:**Messrs.:**

Bonner	Glover	Mixon	St. John	
Carlton	Goldsmith	Mooneyham	Stephens	
Chesnut	Kelly	Parrish	Thomas	
Cook	Kuykendall	Riddle		—15

Said vote being a tie, the Lieutenant-Governor and President of the Senate voted "Yea".

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 25. To amend Section 291 of an act entitled, "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

H. 60. To amend subsection 46 of Section 4556 of the code of Alabama of 1923.

Also:

H. 61. To authorize and empower the Board of Revenue or Court of County Commissioners or other governing body of each and every county in Alabama to expend an amount not to exceed one-third of the total amount that may be received by each county from the levy and collection of any tax on gasoline in the payment of any debt that may have been heretofore incurred by such county for the construction and/or maintenance of roads or bridges, and to ratify any such expenditure heretofore made.

Also:

H. 66. To amend an Act entitled An Act to amend Section 5742 of the Code of Alabama of 1923, approved July 23, 1931.

Also:

H. 71. To repeal Sections 8653, 8654, 8655, 8656, 8657 and 8658 of the 1923 Code of Alabama.

Also:

H. 110. To Amend Section 3759 of the Code of Alabama of 1923 relating to Solicitor's fees for convictions in misdemeanor cases in County Courts and Inferior Courts, so as to read as follows:

Also:

H. 24. To amend an Act entitled, "An Act to amend Section 269 of an Act entitled 'An act to provide for the general revenue of the State of Alabama' approved July 10, 1935", approved September 4th, 1935.

Also:

H. 39. To Amend Section 6667 Of The 1923 Code Of Alabama.

Also:

H. 95. To authorize and empower the State Treasurer to pay to the owners of warrant refunding bonds issued under the authority of the Constitutional Amendment known as "The Debt Refunding Amendment, Act No. 179, passed April 14, 1933, Acts 1933, p. 196, and under the authority of Act No. 177, approved April 17, 1933, authorizing the issuance of such bonds pursuant to the authority of such Constitutional Amendment, the amount of such bonds with interest through July 1, 1935, when the bonds belonging to such owners have been lost, stolen or destroyed; to provide the method of such payment; to provide the proof of such loss and

to provide for indemnifying the State Treasurer for such payment and to provide punishment for any false statement in connection therewith.

Also:

H. 104. To amend section 8605 of the Code of Alabama 1923.

Also:

H. 111. To make appropriation of Two Hundred Thousand Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Also:

H. 175. To amend Section 3 of an Act entitled "An Act to provide for the election of County Superintendent of Education for Limestone County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties, and to provide for his successor in office", approved June 21, 1931 by providing an expense allowance to said Superintendent of Education.

Also:

H. 242. To prohibit in all counties which now have or which may hereafter have a population of more than 25,000 and less than 26,000 inhabitants according to the last or any subsequent Federal census, the catching, capturing, killing or pursuing with intent to catch, capture or kill, by any means, wild hogs, unmarked, except during the month of December.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the following bill:

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like gov-

erning body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several counties of this State, such appropriation to be paid monthly into the general Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the general Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

By a vote of a majority of the whole number elected to the House; said vote being:

Yeas, 66; Nays, 0.

And said bill, S. 45, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being:

Yeas, 66; Nays, 0.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

By Mr. Calhoun:

H. 64. To amend Section 3 of Article 1 of an act entitled, "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

"To the House of Representatives,
Montgomery, Ala.
Gentlemen:

I return herewith to you, the body in which it originated, House Bill No. 64 without my approval.

I suggest the following executive amendment which, if adopted, will meet my objection to the bill:

Amend said bill by adding at the end of Section 1 the following:

"Provided, however, that nothing contained herein shall be held or construed to authorize or empower any Court of County Commissioners, Boards of Revenue or like governing body of any county in this State, or the gov-

erning body of any municipality within this State, or the State Tax Commission or any of its agencies, to exempt from taxation, either as to ad valorem, franchise or capital stock, any plant, factory or other institution herein mentioned, whether a corporation, individual or partnership, where such plant, factory, addition thereto or machinery and equipment have been built or completed, or the machinery or equipment therein installed, prior to the passage of this Act, it being the intention of this provision not to exempt any plant, factory or institution herein mentioned from any taxation which is now subject."

Respectfully,
BIBB GRAVES,
Governor.

March 18, 1936."

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 64, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 65; Nays, 0.

And said bill, H. 64, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 65; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Walton, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 64, the title of which and said proposed amendment is set out in the foregoing message from the House.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Carlton	Kelly	Russell	Walden
Chesnut	Locke	St. John	Walton
Cook	Mixon	Stephens	Weaver
Fletcher	Mooneyham	Taylor	Wellborn
Glover	McDowell	Thomas	Woodall
Goldsmith	Riddle		

—22

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Tucker
Browder	Kelly	Russell	Walden
Carlton	Kuykendall	St. John	Walton
Chesnut	Locke	Stephens	Weaver
Cook	Mixon	Taylor	Wellborn
Dorsey	Mooneyham	Thomas	Woodall
Glover	Parrish		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 92. To allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies or resigns.

Also:

S. 107. To authorize and direct the Board of Revenue of Calhoun County, Alabama to pay for advertising the notice and substance of Local bills to be introduced or having been introduced in the Legislature for said County when the bill applies to the whole County.

Also:

S. 99. For the relief of I. R. Reddoch, Judge of Probate of Crenshaw County, Alabama.

Also:

S. 96. To authorize and empower the Board of Revenue of Tuscaloosa County, Alabama, to use a portion, or so much thereof as may be necessary, of the funds which are to be paid to Tuscaloosa County, Alabama, under the provisions of Article 13, Chapter IV, of the Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to Provide for the General Revenue of the State of Alabama," for the purpose of paying interest on, and establishing a sinking fund for the retirement of, any bonds of Tuscaloosa County, Alabama, which have been sold, or which may hereafter be sold, to provide funds for paving or aiding in the pav-

ing of any public roads in Tuscaloosa County which are, or which hereafter may be, designated as State Aid Roads by the State Highway Commission of Alabama, and which State Highway Commission with State funds or State and Federal Aid funds has improved and has let contracts for paving and has paved, or which it may hereafter improve and let contracts for paving, and that all laws and parts of laws in conflict with the provisions of this Act be repealed insofar as they apply to Tuscaloosa County, Alabama.

Also:

S. 95. To authorize and empower any municipal corporation located in Tuscaloosa County, Alabama, to use for general purposes all or any part of the funds derived by it under the provisions of an Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make Provision for the distribution of the funds derived from said Privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

Also:

S. 97. To provide a fund for the support of a law library for the Circuit Court of Tuscaloosa County, Alabama, without appropriations from the State or County Treasury, by the assessment and collection of court costs in all actions, suits, cases and proceedings hereafter filed in or brought to the Circuit Court of Tuscaloosa County, Alabama, and to fix the custodian of said funds

and to provide regulations for the purchase, custody and handling of said library.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Sanderson:

H. 302. To amend an Act entitled an Act, To fix the salary of the Judge of Probate in all counties in this State which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges and courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 302, to the Committee on Local Legislation.

RESOLUTIONS

Mr. Wellborn offered the following joint resolution:

S. J. R. 31. (COOSA NATIONAL PARK) A Senate concurrent resolution memorializing the President and Congress of the United States, to establish a National Park on the site of COOSA that ancient Indian city visited by DeSoto's army in the year 1540—commemorating the oldest historical site in America:

WHEREAS: It is fully authenticated that DeSoto's army, consisting of 600 soldiers and 2,000 burden-bearers, encamped and was entertained at COOSA for two months in the year 1540—a longer stop, by far, than any other on his march of over 4000 miles in continental America, And:

WHEREAS: The stock of food in that Indian city was sufficient not only for sustenance of 2600 visitors for two months; but to provide burdens for 500 additional bearers (2500 in all) upon their departure proof that the city was of great size, as compared with other known Indian settlements of any period, and—

WHEREAS: The archives in the National Library at Seville, in Spain, contain numerous confirmatory documents, including letters written by DeSoto's officers while encamped at COOSA, identifying beyond any doubt the historical accuracy of his reported visit, and—

WHEREAS: The site on east bank of Coosa River, between Tallaseehatchee creek and Talladega creek, in Talladega County, Alabama, is clearly identified as the location of COOSA, in the opinion of practically all accepted authorities on aboriginal history, and—

WHEREAS: The relative antiquity of DeSoto's visit to COOSA, in comparison with other proven occurrences or incidents in American history is emphasized by the fact that the Spanish army encamped in that great city at a time ante-dating the founding of St. Augustine by 25 years; the settlement of Jamestown by 70 years and the Landing of the Pilgrims by 80 years; and the further amazing fact that we have yet three-quarters of a century to go, before reaching a period as far on this side of the Revolutionary War as DeSoto's visit to COOSA stands on the other side of it. Furthermore, its great size suggests that COOSA was an old city even at that remote date—possibly contemporaneous with the Mayan cities. Certainly the earliest placed, and extending furthest into the mists of antiquity, COOSA is, at once, the Genesis and the Ultima Thule of American history! and—

WHEREAS: There is an established American custom of commemorating events of national historical interest, by recognition in the form of parks on the site, of such magnitude as the historical or scenic value may justify and—

WHEREAS: The site of COOSA is bounded on 3 sides by a magnificent river and two large creeks, fringed with virgin growth of timber, yet undisturbed; and encompassed at distances of ten and thirty miles, respectively, with mountain ranges of such height as gives inspiring setting for the proposed park, and—

WHEREAS: The site is adjacent to two railroads and a trunk highway, and conveniently accessible for visitors from all parts of our Country, by rail or automobile. Now, therefore, be it—

Resolved: (By joint resolution of the ALABAMA Legislature) —That the President of the United States, and the Congress, be and are hereby requested to take the necessary steps looking to acquisition of the area embracing the site of old COOSA, and develop same into a National Park of such size and dignity as will be in keeping with the historical importance of the events associated therewith.

Resolved: That copies of this Resolution be sent to the President and Vice-President of the United States, The Speaker of the House of Representatives of the United States, and to each of the Senators and Representatives from ALABAMA.

Which was, under a suspension of the Rules, adopted.

The Rules Committee reported the following joint resolution:

S. J. R. 32. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Tuesday, March 24, 1936 at ten o'clock.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Browder, further consideration of the bill:

H. 210. To repeal an Act to authorize the Board of Revenue, County Commissioners or other like governing body of Jackson County, Alabama to levy and collect an excise tax on gasoline, woco pep or any substitute therefor, not to exceed three cents per gallon. To authorize such Court of County Commissioners Board of Revenue or other like governing body of said County to provide the necessary machinery for collecting said tax for the distribution of said tax to prohibit any incorporated city or town in said County from levying municipal tax on said gasoline, woco pep or any substitute therefor which may be levied by any incorporated city or town in said County to provide for the use of said excise tax and to provide a penalty for the failure to pay the said tax required of the said governing board of said County on page 185 of the local Acts of 1927 and approved August 11, 1927.

Was indefinitely postponed by the Senate.

On motion of Mr. Mooneyham, further consideration of the bill:

S. 130. To amend an Act entitled an Act; To fix the salary of the Judge of Probate in all counties in this State which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the

manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judges of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

Was indefinitely postponed by the Senate.

On motion of Mr. Dorsey, further consideration of the bill:

S. 79. To provide for the consolidation of the administration and control of the public school systems in each and every County in the State of Alabama; to establish a board of education in each and every County in the State of Alabama, in lieu of all other City and County Boards in said Counties, and to provide the manner of its selection and to define its authority.

Was indefinitely postponed by the Senate.

BILLS ON THIRD READING

The bill:

H. 50. To authorize the Board of County Commissioners, or like governing body, of Pickens County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of County Commissioners, or like governing body, of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provisions for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules

and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Was read a third time at length and passed:

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 258. To relieve all persons in Marion County, Alabama, of any legal obligations to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Marion County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Frazer	Parrish	Stoddard	Weaver
Glover	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof and the time and manner of the election and selection of the successors to the present members of said Board; to provide that one member of said Board shall be elected by the qualified electors of each of the sub-divisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties and powers of the same Board of Education, and for the compensation and qualification of members thereof.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Frazer	Parrish	Stoddard	Weaver
Glover	Riddle	Swift	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

S. 121. To create and provide for a Purchasing Agent for Henry County, Alabama, dealing with and having reference to all purchases for the use of said county, where said purchase or purchases would be a charge against the funds of the county; naming the Probate Judge as such Purchasing Agent, and require him to serve with compensation and said compensation shall be based on purchase or purchases made by said Agent, and his compensation shall be 2% of the total amount of dollars and cents expended for each month's purchases; the Purchasing Agent shall be paid monthly and out of the funds available for the County; prescribing his powers, authority and duties; requiring all County officials, including County Road Supervisor, to make requisition to said Purchasing Agent for all supplies of every kind and description, including all road and bridge supplies and equipment, stationery, books, dockets, postage stamps and records needed by them in the discharge of their duties; requiring the sheriff of the County, County Road Supervisor, and the keeper or superintendent of the County alms house to make requisition of all supplies of every kind and description needed about the County jail and County alms house, County road and bridge supplies to be purchased by and through the Purchasing Agent, requiring that all purchases for the County, where same is to be paid for from the funds of the County, shall be made by said Purchasing Agent; and to provide penalties for the violation of this Act; to repeal all local or general laws in conflict with this Act and to specifically repeal an Act passed by the Legislature of Alabama, known as House Bill 429, and approved by the Governor, September 13, 1935.

Was taken up.

Mr. Walden offered the following substitute for said bill to-wit:

Substitute for S. 121:

A BILL

To be entitled An Act to create and provide for a Purchasing Agent for Henry County, Alabama, dealing with and having reference to all purchases for the use of said county, where said pur-

chase or purchases would be a charge against the funds of the county; naming the Probate Judge as such Purchasing Agent, and require him to serve with compensation and said compensation shall be based on purchase or purchases made by said Agent, and his compensation shall be 2% of the total amount of dollars and cents expended for each month's purchases; the Purchasing Agent shall be paid monthly and out of the funds available for the County; prescribing his powers, authority and duties; requiring all County officials, including County Road Supervisor, to make requisition to said Purchasing Agent for all supplies of every kind and description, including all road and bridge supplies and equipment, stationery, books, dockets, postage stamps and records needed by them in the discharge of their duties; requiring the sheriff of the County, County Road Supervisor, and the keeper or superintendent of the County alms house to make requisition of all supplies of every kind and description needed about the County jail and County alms house, County road and bridge supplies to be purchased by and through the Purchasing Agent, requiring that all purchases for the county, where same is to be paid for from the funds of the County, shall be made by said Purchasing Agent; and to provide penalties for the violation of this Act; to repeal all local or general laws in conflict with this Act and to specifically repeal an Act passed by the Legislature of Alabama, known as House Bill 429, and approved by the Governor, September 13, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created a Purchasing Agency in and for Henry County, Alabama, dealing with and having reference to all purchases for said County, where said purchase or purchases is to be a charge against the Funds of the County.

Section 2. That the Probate Judge of said County is hereby named and designated as such Purchasing Agent in and for said County, and it shall be his duty to serve as such Purchasing Agent and to perform the duties hereinafter prescribed, with compensation and said compensation shall be based on purchase or purchases made by said Agent and his compensation shall be 2% of the total amount of dollars and cents expended for each months purchases; the Purchasing Agent shall be paid monthly and out of any Funds available for the County.

Section 3. That where any County official in and for said County, shall find it necessary to purchase any road or bridge supplies, material, machinery or equipment, office supplies or other supplies of every kind and description, including stationery, stamps, books, dockets, records or any other goods, wares or merchandise necessary for use in the discharge of his official duties; and where the sheriff of the County, as the custodian of the County jail, or other person who may be named or designated for that

duty, or the superintendent or keeper of the County alms house, or the County Road Supervisor, shall find it necessary to purchase any supplies of any kind for use in or about the jail or the County alms house, roads and bridges of the County or any other officer of the County, it shall be the duty of such County official, custodian of the County jail or superintendent or keeper of the County alms house, to go before the said Purchasing Agent and make requisition for any and all such supplies of any and all kinds, so needed, by them in the discharge of their official duties.

Section 4. That upon any official or other person named in the next preceding section, making requisition for office supplies or for supplies of any kind including road and bridge material and equipment as provided for in the next preceding section of this Act, placing their requisition for such supplies in the hands of said Purchasing Agent; it shall be the duty of said Purchasing Agent to make an investigation relative to the needs of these supplies as requested in requisition, and if in his judgment they are needed, then it shall be the duty of said Purchasing Agent to immediately contact or communicate with such person, persons, firms or corporation as may have for sale such supplies as are called for and covered in and by such requisition; and where the amount involved is in excess of \$5.00 and not more than \$10.00, the said Purchasing Agent shall secure not less than two bids in writing and the lowest bid in amount shall determine from whom purchase shall be made; that where the amount involved is in excess of \$10.00 and not more than \$50.00, sealed bids from not less than three sources shall be secured by said Purchasing Agent, and orders shall be placed with the lowest bidder in amount; and that where the amount involved is in excess of \$50.00, save with respect to record books used by County officials and purchase of which shall be governed by the immediately preceding clause, bids shall be asked by the publication for two successive weeks in some newspaper or newspapers published in Henry County, and the purchases must be made from the lowest bidder in amount.

Section 5. That in each and every instance bids for any and all supplies and materials of every kind, where any purchase is made under the provisions of this Act, shall be attached to claims which are submitted to the Commissioners Court for payment, and in no case shall any such claim be paid by the said Commissioners Court, until that body, in regular session, has been satisfied and convinced that the provisions of this section and of this entire Act, have been complied with.

Section 6. That it shall be the duty of the said Purchasing Agent to have prepared and published, in the manner and at the time not provided by law for making and publishing statements of other disbursements of county funds also an itemized statement

of all funds paid out under the provisions of this Act, and said statement shall show the name of the county official or officials, or other person for whom such purchases for the preceding month or from the time of publishing the last itemized statement, have been made, giving the name and the price of such articles, or commodities as have been supplied to the county official or any other person, during the past month or from the time since the last statement was made and published.

Section 7. That any and all purchases made for use of the County, or any county official or officials or other person in the employ of the County, where same is to be paid out of the Funds of the County, same shall not be a legal charge against said fund or any other funds of the County, if purchases in violation of the provisions of this Act, but same shall be illegal and void.

Section 8. To repeal all local or general laws in conflict with this Act and to specifically repeal an Act passed by the Legislature of Alabama, known as House Bill 129, and approved by the Governor September 13, 1935.

Section 9. That should any section, clause, provision or portion of this Act be declared invalid or unconstitutional by a Court of Competent jurisdiction, same shall not affect any other section, clause, provision or portion of this Act but same shall remain in full force and effect.

Section 10. That this Act shall take effect immediately on its passage and approval by the Governor.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	St. John	Tucker
Chesnut	Mixon	Starnes	Walden
Dorsey	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Fletcher	Locke	Riddle
Browder	Glover	Mixon	Rogers (Mobile)
Chesnut	Goldsmith	McDowell	Russell
Dorsey	Kuykendall	Parrish	St. John

Starnes
Stephens
Swift

Taylor
Thomas
Tucker

Walden
Walton

Wellborn
Woodall

—26

Nays:—None.

The bill:

H. 173. To amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such counties; to set up qualifications for apprentices or students in such counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such counties; to provide requirements of shops and schools teaching Cosmetology in such counties, provide for the refusal or revocation of certificates of registration in such counties, the requirement of renewal of registration and licenses in such counties and penalties for the violation of this Act," which became a law July 23rd, 1931.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder

Carlton

Cook

Dorsey

Frazer

Goldsmith

Kelly

Locke

Mixon

Mooneyham

McDowell

Riddle

Rogers (Mobile)

Russell

St. John

Simpson

Starnes

Stoddard

Swift

Taylor

Thomas

Tucker

Walton

Weaver

Wellborn

Woodall

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Rayburn:

H. 290. To permit moving picture shows on Sunday, whether admission is charged therefor or not, in the city of Guntersville, Alabama, and within the police jurisdiction thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama with the purpose to enact the same into law.

AN ACT

To permit moving picture shows on Sunday, whether admission is charged therefor or not, in the city of Guntersville, Alabama, and within the police jurisdiction thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. It shall be lawful in the City of Guntersville, Alabama, and within the police jurisdiction thereof, to engage in operating moving picture shows on Sunday, whether admission is charged or not.

Section 2. That all laws or parts of laws, general, local or special, in conflict herewith be and the same are hereby expressly repealed.

Section 3. That this act shall take effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA }
MARSHALL COUNTY }

Before me, W. B. Hooper, a Notary Public, personally appeared Y. Burke, who, being sworn, deposes and says that he is editor and publisher of The Guntersville Advertiser-Democrat, a weekly newspaper published in said County, and that the publication of a certain notice, of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: On the 12th day of February, 1936; the 19th day of February, 1936; the 26th day of February, 1936, and the 4th day of March, 1936.

Y. BURKE.

Sworn to and described before me this the 7th day of March, 1936.

W. B. HOOPER,
Notary Public.

(Seal)

Also:

By Mr. Rayburn:

H. 296. To establish a Court of County Commissioners for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; to fix the number of members thereof, and to prescribe the districts of said Court, to provide for the appointment and election of the members of said Court, to fix their duties, powers, compensation and terms of office; to provide that the Judge of Probate of Marshall County, Alabama, shall be Ex-Officio Judge and Chairman of said Court; to fix his powers, duties and compensation, and provide for its payment and provide that all laws and parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are

hereby repealed, and to provide when said Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama, called to convene on February 11th, 1936, with the purpose to enact same into law.

AN ACT

To establish a Court of County Commissioners for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; to fix the number of members thereof, and to prescribe the districts of said Court, to provide for the appointment and election of the members of said Court, to fix their duties, powers, compensation and terms of office; to provide that the Judge of Probate of Marshall County, Alabama, shall be Ex-Officio Judge and Chairman of said Court; to fix his powers, duties and compensation, and provide for its payment and provide that all laws and parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That there is hereby created and established a Court of County Commissioners for Marshall County, Alabama, consisting of the Probate Judge as Judge and Chairman of said Court and four associate members.

Section 2. That after the passage and approval of this Act; the present members of the Board of Revenue elected to such office from districts one, two, three and four as constituted by law prior to the Act of the Legislature approved September 13, 1935, shall become members of the Court of County Commissioners as herein and hereby created and shall hold office until the first Monday after the second Tuesday in January of the year 1939, until their successors are elected and qualified. Said Commissioners shall be elected by the qualified voters of their respective districts as herein created in Section 3 of this Act at the general election on the second Tuesday in November, 1938, and each shall reside in his district. In case of a vacancy on said Board the vacancy shall be filled by appointment by the Governor.

That three members of the Commissioners' Court shall constitute a quorum of said Court. The Judge of Probate shall preside over said Court and also shall have a vote in the deliberations of said Court.

Section 3. District number 1 of said Commissioners' Court of Marshall County shall be and embrace all of the territory of Marshall County, lying and being included within the present boundaries of the following Precincts, to-wit: 1, 12, 14, 15, 21, 25, 26, 27, and 29; District number 2 of said Commissioners' Court of Marshall County shall be and embrace all of the territory of Marshall County lying and being included within the present boundary north of the Tennessee River of the following Precincts as now constituted in said County, to-wit: Precincts 7, 8, 9, 10, 11, 19, 23 and 30; District number 3 of said Commissioners' Court of Marshall County shall be and embrace all of the territory of Marshall County lying and being included within the present boundaries of the following Precincts as now constituted in said County to-wit: Beats number 2, 3, 4, 13, 16, 22 and 28; District num-

ber 4 of said Commissioners' Court of Marshall County shall be and embrace all of the territory in Marshall County lying and being included within present boundaries of the following Precincts as now constituted in said County, to-wit: 5, 6, 17, 18, 20 and 24.

Section 4. That the salary or fees of said Commissioners or Members of the Court of County Commissioners as herein created for Marshall County shall be \$3.50 per day for each day they are engaged in attendance upon said court, and also for each day that they are engaged in working or supervising and controlling the public roads and bridges of said County, payable immediately after each adjournment of said court out of the General Fund of said County, and the salary of the Probate Judge, acting as Chairman of said Court of said County, shall be \$4.00 per day for each day said Court is in session, payable on the adjournment of each session of said Court. The salary of said Probate Judge to be in addition to the salary now provided for said Probate Judge; the Probate Judge shall also be Clerk or Secretary of said Court and shall keep the minutes of said court in a well-bound book and also issue all warrants for the payment of claims passed by said court. That said members of said court shall not be required to devote their entire time to the duties of their office, but all shall be required to attend the meetings of said Court, which shall hold its session on the third Monday of each month and may continue in session as long as may be necessary to conduct the business of the County and may adjourn said meetings to any day they may desire and may hold special session at any time upon the call of the Chairman. The sessions of said Court shall be held at the Courthouse in Guntersville in said County; no mileage shall be paid to any member of said Court.

Section 5. That said court shall have the power and authority and it shall be its duty to control and preserve the property of Marshall County as it may deem best according to law; to have supervision and control of all public roads and bridges in said County; to levy a tax for general purposes and special taxes for particular county purposes according to the provisions of the Constitution and Laws of the State of Alabama, and to provide for their collection; to examine, allow, settle and compromise accounts and claims chargeable against the County; to have control and make provision of the poor and indigent of the County; to have the right and authority to bind the County in any legal contract for the payment of money; to pay any debt due by the County on any existing lawful contract; to re-finance the bonded debt of the County; to issue such warrant or warrants, or provide for their issuance as may be necessary from time to time in the conduct of the business of the County and to refinance on the best possible terms any existing indebtedness of the County lawfully created, and for such length of time, not to exceed 20 years, as it may deem, by proper resolution spread upon its minutes, to the best interest of the County, and may issue interest bearing warrant or warrants bearing coupons for such interest as it may agree with the purchase of same and must keep a register of all such warrants showing the amount of each of such warrants, its date, due day, to whom issued and for what purpose issued and when so issued such Court of County Commissioners' shall set up a Sinking Fund out of any monies or funds belonging to and to accrue to said County for the retirement of such warrants and at least 5% of the amount of such warrants so issued shall mature and be paid each year until the whole shall be paid by said County; shall not pay a rate of interest in excess of 5% on such indebtedness, and in the case of bonds when they are re-financed not to exceed the rate of interest of the bonds being refunded, to borrow money as provided by law for the County and to see that the depository of County funds shall keep on hand at all times, sufficient money to pay all jurors and salaries and allowances of County officials when due, the same being hereby declared pre-

ferred claims against the County and against its funds and in addition to the above powers and authorities, all jurisdictions, powers, authorities and duties as may now and may hereafter be vested by law in the Courts of County Commissioners or Boards of Revenue of this State and the several members of said Court: shall perform all their duties and services and exercise the powers enjoined upon them by law except as otherwise provided for by this Act.

Section 6. That all general laws hereafter enacted in relation to the jurisdiction, power, authority and duties of Commissioners' Court and Boards of Revenue shall govern and be deemed to apply to the Court of County Commissioners of Marshall County.

Section 7. That the Probate Judge as Chairman of said Court shall be its presiding officer, shall have a vote on all questions before said Court, shall sign the minutes of the proceedings of said Court and shall have the same power and authority as the other members in passing on all questions, shall sign and draw all warrants drawn on the County Depositories, and all orders for the payment and disbursement of the funds of the County, shall sign all contracts entered into by the Court of County Commissioners for and on behalf of said County. It shall be the duty of the Probate Judge to prepare business and obtain information for the session of the Court and to see that all orders thereof are properly issued. He shall exercise all of the duties required of the Probate Judges as to matters coming before the Courts of County Commissioners.

Section 8. All records of said court shall be kept in the office of the Judge of Probate and be at all times open to the inspection of any of the citizens of Marshall County and perform such other matters and duties as may be required of him by said court of County Commissioners.

Section 9. The Court of County Commissioners of Marshall County nor any of the members thereof directly or indirectly shall hire any person or persons or engage the services of any person or persons for any purpose for Marshall County who are related to any of the members of the Court of County Commissioners within the third degree by affinity or consanguinity nor shall any warrant or warrants be issued for the payment of such services or any such person so related within said degree to any member of said Court.

Section 10. That if any Section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other section, clause, provision or portion thereof, which is not of its unconstitutionality.

Section 11. That all laws or parts of laws, general, local or special, in conflict with the provisions of this Act be and the same are hereby repealed.

STATE OF ALABAMA, }
MARSHALL COUNTY. }

Before me, R. H. Williams, Judge of Probate, personally appeared Y. Burke, who, being duly sworn, deposes and says that he is editor and publisher of The Guntersville Advertiser-Democrat, a weekly newspaper published in said County, and that the publication of a certain notice, of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: On February 19, 1936; February 26, 1936; March 4, 1936, and March 11, 1936.

Y. BURKE.

Sworn to and subscribed before me this March 11th, 1936.

R. H. WILLIAMS,
Judge of Probate.

(Seal)

Also:

By Mr. Rayburn:

H. 291. To alter the corporate limits of the city of Guntersville, Marshall County, Alabama, and to rearrange and define the boundaries thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama, called to convene on February 11th, 1936, with the purpose to enact the same into law.

AN ACT

To alter the corporate limits of the City of Guntersville, Marshall County, Alabama, and to rearrange and define the boundaries thereof:

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That hereafter the corporate limits of the City of Guntersville, Marshall County, Alabama, shall be as follows: All of the territory now defined and included in Guntersville Precinct Number One, in Marshall County, Alabama. All of the territory embraced within the above described boundaries shall be included within the corporate limits of said City.

STATE OF ALABAMA, }
MARSHALL COUNTY. }

Before me, R. H. Williams, Judge of Probate, personally appeared Y. Burke, who, being duly sworn, deposes and says that he is editor and publisher of The Guntersville Advertiser-Democrat, a weekly newspaper published in said county, and that publication of a certain notice, of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: February 19th, 1936; February 26th, 1936; March 4th, 1936, and March 11th, 1936.

Y. BURKE.

Sworn to and subscribed before me, this 11th day of March, 1936.

R. H. WILLIAMS,
Judge of Probate.

(Seal)

Also:

By Mr. Owens (Madison):

H. 301. For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the Legislature of Alabama at its present session for the passage of a local Act, in substance as follows:

AN ACT

For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

WHEREAS, by an Act of the Legislature of Alabama, approved February 17, 1885, (General Acts 1884-85, pages 591-5), fees and compensation for Judges of Probate for Madison County were fixed and specified;

AND WHEREAS, thereafter Article 24 of the Constitution of Alabama was amended and the amendment duly ratified on the 18th day of July, 1933, and proclaimed by the Governor on August 2, 1933;

AND WHEREAS, by the terms of said constitutional amendment and of an Act of the Legislature of Alabama approved September 9, 1935, the maximum salary, fees, compensation, or amount due public officers, including Judges of Probate, were fixed and limited, and such officers are required by said constitutional amendment and statute to pay over to the County all sums received by them in excess of the maximum permitted to be received, and the reasonable expenses of conducting the office;

AND WHEREAS, Thomas W. Jones, formerly Probate Judge of Madison County, during that portion of his term from September 1, 1933, collected and received fees, commissions and compensation for the services specified in said Act of the Legislature of Alabama, approved February 17, 1885, in accordance with the schedule of fees and compensation as provided in said Act, and in amounts less than is provided by General Law of Alabama:

NOW, THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the collection of fees and compensation, by the said Thomas W. Jones, as Probate Judge of Madison County, for services rendered by him as such Probate Judge, during said period from September 1, 1933 to the end of his term of office in accordance with the provisions of said Act of the Legislature of Alabama, approved February 17, 1885, be and the same is hereby ratified and validated, and the said Thomas W. Jones, is hereby released and discharged from any and all liability to Madison County on account of having collected and received fees and compensation in accordance with the provisions of the aforesaid Act, approved February 17, 1885, instead of in accordance with the schedule of fees and compensation for Probate Judges, as set out in the general laws of Alabama, and is hereby relieved from the duty of accounting to Madison County for the difference in specific items of fees for services set out in the said Act approved February 17, 1885, and fees for such services provided by the General Laws of Alabama for Probate Judges.

Section 2. This Act shall go into effect immediately upon its approval by the Governor.

STATE OF ALABAMA, }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of local bill to be introduced for passage in the Legislature of Alabama was published in said

newspaper once a week for four consecutive weeks, on February 13, 1936, February 20, 1936, February 27, 1936, and March 5, 1936.

Jack Langhorne,

Sworn to and subscribed before me this the 7th day of March, 1936.

W. P. Nicholson,

Notary Public.

Also:

By Mr. Owens (Madison):

H. 182. To fix and regulate the fees of witnesses in criminal cases in the Circuit Court of Madison County, Alabama, and before the Grand Jury of said County; to provide for the presentation of claims for such fees, and to provide for the payment thereof; and to provide for the collection of witness fees and for the disposition of the same.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at any next regular or special session of the Legislature of Alabama, a bill will be introduced, which in substance will provide for fixing and regulating the fees of witnesses in criminal cases in the Circuit Court and before the Grand Jury of Madison County; to provide for proving of attendance of witnesses subpoenaed on the part of the State to require such witness fees to be a preferred claim against the Fine and Forfeiture Fund to be paid upon presentment, and when such fund is exhausted such fees shall be paid out of the General Fund of said County, and to require payment of all witness fees collected by the Clerk into the General Fund of said County. The true intent and purpose of this Act being to pay the State witnesses cash for their attendance at the Court and to collect the fees now fixed by law for the benefit of the County Treasury.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, who being first duly sworn deposes and says he is business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of local bill to be introduced for passage in the Legislature of Alabama was published in said newspaper once a week for four consecutive weeks, on February 5, 1936, February 12, 1936, February 19, 1936, and February 26, 1936.

(Signed) JACK LANGHORNE,

Business Manager.

Sworn to and subscribed before me this the 26th day of February, 1936.

(Signed)

W. P. NICHOLSON,

Notary Public.

Also:

By Mr. Rayburn:

H. 292. To require 25% of the total funds received by Marshall County, Alabama, from the levy and collection by the State

of Alabama of gasoline taxes, or taxes on other motor fuels, but not to exceed the sum of \$60,000.00 to be used for the purpose of establishing a sinking fund for the retirement, first, of the outstanding obligations and indebtedness chargeable against and due by Marshall County out of the road and bridge fund or gasoline tax fund of said county, and second after such retirement and balance of said sum as a sinking fund for the retirement of the principal of all bonds issued against the road and bridge fund of Marshall County, which bonds were issued for the purpose of constructing public roads and bridges in said county, requiring the county treasurer or other like official or depository of said county to set aside said funds for said purposes, and authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof with said funds after having first discharged the other obligations against either of said funds, provided that on final payment and retirement of said obligations and of said bonds all funds received by said county from said gasoline taxes or taxes on other motor fuels shall be used as provided by the general laws of Alabama, and to provide the time when this Act shall take effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the Special Session of the Legislature of Alabama with the purpose to enact the same into Law.

AN ACT

To require 25% of the total funds received by Marshall County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels, but not to exceed the sum of \$60,000.00 to be used for the purpose of establishing a sinking fund for the retirement, first, of the outstanding obligations and indebtedness chargeable against and due by Marshall County out of the Road and Bridge Fund or Gasoline Tax Fund of said County, and second after such retirement the balance of said sum as a sinking fund for the retirement of the principal of all bonds issued against the road and bridge fund of Marshall County, which bonds were issued for the purpose of constructing public roads and bridges in said County, requiring the County Treasurer or other like official or depository of said County to set aside said funds for said purposes, and authorizing the Commissioners Court of said County to purchase and retire before maturity said bonds or any portion thereof with said funds after having first discharged the other obligations against either of said funds, provided that on final payment and retirement of said obligations and of said bonds all funds received by said County from said gasoline taxes or taxes on other motor fuels shall be used as provided by the General Laws of Alabama, and to provide the time when this Act shall take effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That 25% of the total funds, not to exceed the sum of \$60,000.00, received by Marshall County from and after the passage of this Act from the levy and collection by the State of Alabama of gasoline taxes or taxes on other motor fuels shall be set aside and used for the purpose of payment and retirement of the warrants or other indebtedness other than bonded indebtedness due by Marshall County on its Road and Bridge fund or Gasoline Tax Fund, and second, any excess thereafter shall be set aside and used for the purpose of establishing a sinking fund for the retirement of the bonds of Marshall County which were issued against the Road and Bridge Fund of said County, and which are now outstanding and which were used for constructing public roads and bridges in said County.

Section 2. That the County Treasurer, County Depository or like official of said County shall upon receipt of such funds immediately set aside a sum equal to 25% thereof, the sum total so set aside not to exceed \$60,000.00, in a special fund to be used for no other purpose than the purposes mentioned in this Act until all the indebtedness due by the County out of the Road and Bridge Fund or out of the Gasoline Tax Fund, other than bonds have been paid, and when so paid shall not be used for any other purpose than the payment of the principal on said bonds and any excess to revert back to the gasoline tax fund.

Section 3. The Commissioner's Court of said County may from time to time, as the funds so set aside and accumulated may justify, purchase and retire before maturity said bonds, or any portion thereof with the funds so set aside.

Section 4. That upon the final payment and retirement of said bonds, all such funds received by Marshall County from said taxes from the State of Alabama, as described in Section 1 hereof, shall be used as provided by the General laws of the State of Alabama.

Section 5. That the provision of this act shall take effect immediately upon its passage and approval.

STATE OF ALABAMA, }
MARSHALL COUNTY. }

Before me, R. H. Williams, Judge of Probate, personally appeared Y. Burke, who, being duly sworn, deposes and says that he is editor and publisher of The Guntersville Advertiser-Democrat, a weekly newspaper published in said County, and that the publication of a certain notice, of which the foregoing is a true copy, has been made and published in said paper for four consecutive weeks, to-wit: On the 19th day of February, 1936; the 26th day of February, 1936; the 4th day of March, 1936, and the 11th day of March, 1936.

Y. BURKE.

Sworn to and subscribed before me this March 11th, 1936.

R. H. WILLIAMS,
Judge of Probate.

(Seal)

Also:

By Mr. Reid:

H. 293. To authorize and empower the Board of Revenue of Shelby County, Alabama to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, "An Act to provide for the General Revenue of the State of Alabama,"

and as further provided for in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an excise tax on every distributor, refiner, retail dealer, or storer of gasoline,—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any provision thereof", which is to be paid to Shelby County, Alabama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, "An Act to provide for the general revenue of the State of Alabama", being House Bill No. 324, for the purpose of paying the compensation of such members of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law, and to authorize the County Treasurer of Shelby County, Alabama, to immediately upon the passage and approval of this Act to set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided or in Section 1 of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given by the Board of Revenue of Shelby County, Alabama, of the intention to apply to the Legislature of Alabama, at its present session, for the enactment of the following Bill.

"A BILL

TO BE ENTITLED AN ACT."

To Authorize and Empower the Board of Revenue of Shelby County, Alabama to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, "An Act to Provide for the General Revenue of the State of Alabama, and as further provided for in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an excise tax on every distributor, refiner, retail dealer, or storer of gasoline,—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any provision thereof", which is to be paid to Shelby County, Alabama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", being House Bill No. 324, for the purpose of paying the compensation of such members of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law, and to authorize the County Treasurer of Shelby County, Alabama, to immediately upon the passage and approval of this Act to set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided for in Section 1 of this Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Board of Revenue of Shelby County, Alabama, be and hereby is authorized and empowered to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuel, levied under the Act of the Legislature of Alabama, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", and as further provided for in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an excise tax on every distributor, refiner, retail dealer, or storer of gasoline,—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any provision thereof", which is to be paid to Shelby County, Alabama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", being House Bill No. 324, for the purpose of paying the compensation of such members of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law.

Section 2. The County Treasurer of Shelby County, Alabama, shall immediately upon the passage and approval of this act set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided for in Section 1 of this Act.

J. M. LYON,

President, Board of Revenue of Shelby County, Alabama.

STATE OF ALABAMA }
SHELBY COUNTY }

Before me, L. C. Walker, Judge of Probate in and for said County, and in said State, personally appeared Frank Head, who being by me first duly sworn, deposes and says that he is publisher of the The Shelby County Democrat, a newspaper published at Shelby County, Columbiana, Alabama, and that the publication of a certain notice which contains a copy of the proposed Bill to authorize and empower the Board of Revenue of Shelby County, Alabama, to use so much of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", a true copy of which is hereto affixed, have been made in said The Shelby County Democrat for four weeks consecutively, to-wit: In the issues hereof dated as follows:

February 20, 1936,

February 27, 1936,

March 5, 1936,

March 12, 1936.

FRANK HEAD.

Sworn to and subscribed before me on this the 13th day of March, 1936.

L. C. WALKER,
Judge of Probate.

Also:

By Mr. Welch:

H. 68. To provide for and authorize the dismissal in and by the Circuit Court, of appeals to the Circuit Court from Judgments of conviction rendered in any court subordinate or inferior to or lower than the Circuit Court, and to define and fix the effects and consequences of such dismissals.

Also:

By Mr. Owens (Madison):

H. 202. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

With notice and proof thereto attached and herewith exhibited as follows:

"Notice is given that it is intended to apply to the Legislature at its next special session for the passage of an Act in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such article by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1: The furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile, or other conveyance, or motor fuel, or oil to any member of said governing body, for use by him in the prosecution of his duties or employment as a member of such body, or otherwise, is hereby prohibited.

SECTION 2: It shall be unlawful for any member of the Board of Commissioners, or like governing body, of Madison County, Alabama, to use any motor vehicle, or other conveyance, motor fuel, or oil furnished contrary to the provisions of Section 1 of this Act.

SECTION 3: Any member of the said Board of County Commissioners, or like governing body, of said County, violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not less than Ten (\$10.00) Dollars and not more than One Hundred (\$100.00) Dollars, and shall be subject to impeachment.

SECTION 4: All laws or parts of laws in conflict with the provisions herewith are hereby repealed.

SECTION 5. This Act shall become effective immediately upon its passage and approval.

STATE OF ALABAMA }
 MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, who being first duly sworn deposes and says that he is business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the attached notice of local bill to be introduced for passage in the Legislature of Alabama was published in said newspaper once a week for four consecutive weeks, on February 5, 1936, February 12, 1936, February 19, 1936, and February 26, 1936.

Jack Langhorne,
 Business Manager.

Sworn to and subscribed before me this the 26 day of February, 1936.
 W. P. Nicholson,
 Notary Public.

Also:

By Mr. Shaver:

H. 201. To require one-third of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefor, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

With notice and proof thereto attached and herewith exhibited as follows:

"Notice is given that it is intended to apply to the Legislature at its next special session for the passage of an Act in substance as follows:

A BILL
 TO BE ENTITLED
 AN ACT

To require two thirds of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefor, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legis-

lature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1: That two-thirds of the tax now levied and collected on gasoline, Woco-Pep or other substitutes therefore, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature, approved September 20, 1923, and amendments thereto, shall be used for the purpose of creating a sinking fund for the retirement of One Hundred Thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County, and for no other purpose.

SECTION 2.: That the Board of County Commissioners, or like governing body, of said County shall immediately upon receipt of such funds so collected under authority of an Act of the Legislature, approved September 20, 1923, and amendments thereto, beginning on July 1, 1938, set aside two-thirds of the amount so collected in a special fund to be used only for the payment of interest on and the retirement of the principal of said bonds set out in Section 1 of this Act.

SECTION 3: The Board of County Commissioners, or like governing body, of said County, may from time to time, as the funds so set aside and accumulated may justify, purchase and retire before maturity said bonds, or any portion thereof, with the funds, so set aside.

SECTION 4: That upon the final payment of all interest on and principal of said bonds specified in Section 1 of this Act, and the retirement of same, all payments into the fund created by this Act shall cease.

SECTION 5: All laws or parts of laws in conflict herewith are hereby repealed.

SECTION 6: The provisions of this act shall take effect immediately upon its passage and approval.

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said state and county this day personally appeared Jack Langhorne, who being first duly sworn deposes and says that he is business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the foregoing notice of local bill to be introduced for passage in the Legislature of Alabama was published in said newspaper once a week for four consecutive weeks. On February 5, 1936, February 12, 1936, February 19, 1936, and February 26, 1936.

Jack Langhorne,
Business Manager.

Sworn to and subscribed before me this the 26 day of February, 1936.
W. P. Nicholson,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate Standing Committee as follows:

House bills 290, 296, 291, 301, 182, 292, 293, 68, 202 and 201, to the Committee on Local Legislation.

BILLS ON THIRD READING RESUMED

The bill:

S. 123. To create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create Personnel Boards and other agencies for the supervision and administration of said System in each of such Counties and municipalities thereof, to define the scope and extent of said System and the powers, duties and authority of said Commission, Boards and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for the payment of the expenses of each such agency and for a division of expense between the counties affected and the municipalities therein, to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder
Cook
Fletcher

Frazer
Glover
Kelly

Locke
Mixon
Mooneyham

McDowell
Parrish
Riddle

Rogers (Mobile)	Stephens	Thomas	Weaver
Russell	Stoddard	Walden	Wellborn
Simpson	Swift	Walton	Woodall
Starnes	Taylor		

—26

Nays:—None.

The bill:

H. 192. To authorize the Board of Revenue or like governing body of Tuscaloosa County, Alabama, to set up and create out of the general funds of said County a contingent fund not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum; to define its purposes and uses and to provide the manner of disbursement of said fund: and to prescribe when this Act shall go into effect.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Fletcher	Riddle	Swift	Wellborn
Goldsmith	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 191. To amend Section 3 of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for the compensation of Clerks, Deputies, Clerical Assistants and other expenses in the probate office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Tuscaloosa County: To provide for the payment of the salary or compensation of said Judge of Probate and the Clerks, Deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Fletcher	Riddle	Swift	Wellborn
Goldsmith	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 190. To fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other Clerical Assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Fletcher	Riddle	Swift	Wellborn
Goldsmith	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 177. To provide for the appointment of deputy circuit solicitors in all counties of this state, having a population of 300,000 or more according to the last or any subsequent Federal census, to prescribe their duties and to fix their compensation and to provide the way and manner of paying the same.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Thomas
Chesnut	Mixon	Simpson	Tucker
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stoddard	Weaver
Frazer	Parrish	Swift	Wellborn
Glover	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

S. 127. To regulate the office of the sheriff of Tuscaloosa County, Alabama; to exempt the sheriff of said County from court costs; to fix the compensation or salary to be paid the sheriff of Tuscaloosa County, Alabama, and to regulate the payment of the same; to fix the number and compensation of the sheriff's deputies, guards, jailers, and other employees of the sheriff; to require the deputy sheriffs and special deputy sheriffs of said sheriff to execute official bonds conditioned, payable and approved as the bond of the sheriff; to exempt the sheriff of said County from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to provide for the payment of the premium on the sheriff's and all deputies' bonds out of the County Treasury; to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the County Treasury, including fees for feeding prisoners, to be paid into the general fund of said County; to provide for the payment of the expenses of the office of said sheriff, including the costs of supplying and maintaining automobiles used by said sheriff in his official business, and authorizing the Board of Revenue to appropriate the necessary money for such expenses and to regulate the expenditure of same; authorizing the sheriff of said County to employ an attorney to advise and represent him, whose compensation is to be fixed by the Board of Revenue and paid out of the County Treasury; abolishing in so far as it relates to Tuscaloosa County, Alabama, sheriff's fees provided for in Section 6717 of the Code of Alabama, 1923, and providing that the sheriff of said County shall

furnish bailiffs required in Section 6716 of the Code of Alabama, 1923; to provide that said County shall not be liable for the acts or omissions of said sheriff or any of his deputies, guards, jailers or other employees; to repeal all laws and parts of laws which, as applied to Tuscaloosa County, Alabama, are in conflict with the provisions of said Act; and providing when and how said Act shall become effective.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Swift	Wellborn
Goldsmith	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 19. To amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill to-wit:

Substitute for H. 19:

A BILL

To be entitled An Act to amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935, and as amended September 21, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935, and as amended September 21, 1935, be amended so as to read as follows:

Schedule 158.1 "PRIVATE CARS": The following license and registration fee shall be charged on automobiles and motor cars kept for private use; (a) For each automobile or motor car weighing 2000 pounds or less, Five Dollars (\$5.00). (b) For such automobile or motor car weighing more than 2000 pounds and not ex-

ceeding 2500 pounds the license shall be Nine Dollars (\$9.00), (c) For each automobile or motor car weighing in excess of 2500 pounds and not more than 3250 pounds, the license shall be Thirteen Dollars (13.00). (d) For each automobile or motor car weighing in excess of 3250 pounds, the license shall be Eighteen Dollars (\$18.00). All motor vehicles licenses under this Act shall become due on October 1st of each year, and shall become delinquent on October 25th. Provided, however, that these licenses shall be purchased on a monthly declining basis of one-twelfth ($1/12$) or for each month of the tax year and that the purchaser shall only buy a license for the then remaining months of the tax year. In figuring the license on a one-twelfth ($1/12$) reduction for each month, the amount of any fraction shall be figured to the nearest ten (10c) cents above the fraction thereof. But in no event shall the price of license tag be less than two dollars (\$2.00). (aa) Provided the word "Weight" for purpose of computing the license tax payable hereunder, shall be deemed to mean the weight of the vehicle including weight of the bumpers, spare tires, horn, trunk and tools, and all equipment customarily or generally used, whether same be installed on the motor vehicle before shipment or delivery by the factory, or before or after delivery by the automobile dealer, (e) For each electric automobile, other than truck, Twelve Dollars (\$12.00). (f) For each automobile propelled by steam, Eighteen Dollars (\$18.00). (g) For each motorcycle, Four Dollars (\$4.00). (h) For each motorcycle with side car attached, Five Dollars (\$5.00). Where the motorcycle is acquired or brought into the State on or after January 1st, or is not used prior to January 1st, the license shall be Three Dollars (\$3.00). Where the motorcycle is acquired or brought into the State on or after April 1st, or is not used prior to April 1st, the license shall be Two Dollars and a half (\$2.50). Where the motorcycle is acquired or brought into the State on or after July 1st, or is not used prior to July 1st, the license shall be Two Dollars (\$2.00). (bb) Provided, however, that the license tags for such automobile or motorcycle shall remain with such automobile or motorcycle for the remainder of the current tax year, and that before any private automobile or any motorcycle shall be used on any public highway the proper license tag therefor must be procured and securely attached to the rear end of the automobile or motorcycle, said tag to be securely attached right side up with the number thereof in an upright position and the numbers thereof plainly visible."

Section 2. That purchaser of a motor vehicle shall have three days from the date of the purchase of such motor vehicle by him within which to purchase the license called for hereunder and shall not be subject to any penalty during said three-day period.

Provided however that the above classification and schedule as to "Provide Cars shall include private passenger cars that have been converted into a motor vehicle on which freight or merchandise, or other property could be hauled provided such conversion would not permit a load exceeding 1000 pounds, and provided further such converted vehicle is not used for commercial purposes nor for hire.

Mr. Rogers of Mobile offered the following amendment to said substitute to-wit:

Amend the Committee substitute for H. 19 by striking from Section 2 thereof the proviso reading:

"Provided however that the above classification and schedule as to 'Private Cars' shall include private passenger cars that have been converted into a motor vehicle on which freight or merchandise, or other property could be hauled provided such conversion would not permit a load exceeding 1000 pounds, and provided further such converted vehicle is not used for commercial purposes nor for hire."

On motion of Mr. Kelly, said amendment was laid on the table.

Yeas, 28; Nays, 5.

Yeas:

Messrs.:

Bonner	Kelly	Riddle	Taylor
Chesnut	Kuykendall	Russell	Thomas
Cook	Locke	St. John	Tucker
Dorsey	Mixon	Starnes	Walden
Fletcher	Mooneyham	Stephens	Walton
Glover	McDowell	Stoddard	Wellborn
Goldsmith	Parrish	Swift	Woodall

—28

Nays:

Messrs.:

Browder	Frazer	Rogers (Mobile)	Simpson
Carlton			

—5

And the committee substitute was then adopted.

Yeas, 28; Nays, 5.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Swift
Browder	Goldsmith	Parrish	Taylor
Carlton	Kelly	Russell	Thomas
Chesnut	Kuykendall	St. John	Tucker
Cook	Locke	Starnes	Walden
Dorsey	Mixon	Stephens	Walton
Fletcher	Mooneyham	Stoddard	Wellborn

—28

Nays:

Messrs.:

Frazer

Rogers (Mobile)

Simpson

Woodall

Riddle

—5

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 29; Nays, 4.

Yeas:

Messrs.:

Bonner

Goldsmith

Parrish

Swift

Browder

Kelly

Riddle

Taylor

Carlton

Kuykendall

Russell

Thomas

Chesnut

Locke

St. John

Tucker

Cook

Mixon

Starnes

Walden

Dorsey

Mooneyham

Stephens

Walton

Fletcher

McDowell

Stoddard

Wellborn

Glover

—29

Nays: Messrs. Frazer, Rogers (Mobile), Simpson and Woodall

—4

Mr. Bonner moved to re-consider the vote by which said bill was just passed, which motion was lost and the Senate refused to re-consider said vote.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill respectively, and finds same correctly enrolled, to-wit:

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after it's title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 32. Relative to two Houses adjourning today to meet again on Tuesday, March 24, 1936 at ten o'clock.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fifteenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Web Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the fifteenth Legislative day approved by the Senate.

ADJOURNMENT

At 1:15 P. M., on motion of Mr. Frazer and pursuant to joint resolution heretofore adopted, the Senate adjourned until Tuesday, March 24th, 1936, at 10 A. M.

Yeas, 23; Nays, 8.

Yeas:

Messrs.:

Bonner	Frazer	Mixon	Simpson
Browder	Glover	McDowell	Starnes
Chesnut	Goldsmith	Parrish	Stoddard
Cook	Kelly	Riddle	Swift
Dorsey	Kuykendall	Rogers (Mobile)	Taylor
Fletcher	Locke	Russell	

—23

Nays:

Messrs.:

Carlton	St. John	Thomas	Walton
Mooneyham	Stephens	Walden	Woodall

—8

SIXTEENTH DAY

Tuesday, March 24th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Parrish	Swift	Woodall
Glover			

—33

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Browder leave of absence was granted Mr. Stephens for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Browder:

S. 151. To specify what stated purposes shall control in the expenditure of the proceeds of certain special three-mill district school taxes or special three mill county school taxes where the petition for the tax election, the order of the county governing body calling the election, the notice of the election, or the official ballot provided vary in the statement of the purposes to which the proceeds of such tax shall be devoted; to provide that such variance shall not invalidate any such election or the levy and collection of taxes voted; to provide for the curing of such variances; and to provide further what constitutes submission of purposes to which the proceeds of such tax shall be devoted within the provisions of the Special School Tax Amendment to the State Constitution.

Committee on Education.

By Mr. Walton:

S. 152. To amend Section 1744 of the 1923 Code of Alabama.

Committee on Municipalities.

By Mr. Simpson:

S. 153. To amend Schedule 158.12 of Section 348 of an act of the Legislature of 1935 approved July 10, 1935, and entitled "An Act to provide for the general revenue of the State of Alabama".

Committee on Finance and Taxation.

By Mr. Simpson:

S. 154. To amend Section 52 of the Municipal Bond Code, being An Act of the Legislature of Alabama, approved September 10, 1927, entitled "An Act to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying, and retiring of bonds of the counties and municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act," as heretofore amended.

Committee on Municipalities.

By Mr. Simpson:

S. 155. To amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

Committee on Finance and Taxation.

By Mr. Woodall:

S. 156. To amend Schedule 133 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Committee on Finance and Taxation.

By Mr. Woodall:

S. 157. To Amend Section 794 of the Code of Alabama of 1923.

Committee on Revision of Laws.

By Mr. Kelly:

S. 158. To amend Section 1153 of the Code of Alabama of 1923, relating to public health.

Committee on Public Health.

By Mr. Glover:

S. 159. To dispose of the fine and forfeiture fund in Choctaw County, Alabama, and to legalize all claims against such fund regardless of their date; to designate the claims against such fund; to provide the payment of all claims which are by law a charge against said fund as preferred claims.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

A Bill To Be Entitled An Act

To dispose of the Fine and Forfeiture Fund in Choctaw County, Alabama, and to legalize all claims against such funds regardless of their date; to designate the claims against such fund; to provide the payment of all claims which are by law a charge against said fund as preferred claims.

SECTION 1. Be it Enacted by the Legislature of Alabama, That all funds now known as the Fine and Forfeiture Fund in Choctaw County, which are on hand or which may hereafter be collected, shall be covered and paid into the General Fund of the County Treasury of Choctaw County and be used in all respects as the funds of Choctaw County.

SECTION 2. Be it further enacted, That all claims now existing are by this act made legal charges against the said fund, regardless of their date, or which may hereafter accrue, that they are by law charges against the General Fund of Choctaw County and shall be paid out of the treasury of Choctaw County and shall be preferred claims against said General Fund.

SECTION 3. Be it Further Enacted, that all claims which are outstanding against said Fine and Forfeiture fund in Choctaw County, are hereby declared legal claims and shall be registered on certificate of the Clerk of the Circuit Court of Choctaw County with the county treasurer or custodian of county funds, as a preferred claim, against the general fund of Choctaw County within three (3) months after the passage and approval of this act.

SECTION 4. Be it Further Enacted, That should any phrase, clause, sentence or paragraph of this act be declared invalid or unconstitutional, it shall not affect the validity of any and all other parts, and the same shall be in full force and effect.

SECTION 5. Be it Further Enacted, That all laws, special, local or general in conflict with this act, be, and the same are hereby repealed so far as they affect Choctaw County.

SECTION 6. Be it Further Enacted, That this act shall become effective and operative upon its pasage and approval by the Governor.

Notice is hereby given that the above bill as set out will be introduced in the Legislature of Alabama at the Extraordinary Session of same to be called or held in 1936.

STATE OF ALABAMA, }
CHOCTAW COUNTY. }

I, Matt L. Blount, Editor and Publisher of The Choctaw Advocate, a newspaper published weekly in the town of Butler, Choctaw County, Alabama, do hereby certify that the Notice—"To Be Entitled An Act" hereto attached was published four consecutive weeks beginning February 13th, 1936, and continuing through February 20, 1936, February 27th, 1936, and ending on March 5, 1936.

Witness my hand and seal this the 23rd day of March, 1936.

Matt L. Blount,

Editor and Publisher of The Choctaw Advocate.

Sworn to and subscribed before me on this the day and date hereinabove written.

Jean Thompson,

(Seal)

A Notary Public in and for aforesaid State of Alabama
and County of Choctaw.

By Mr. Carlton:

S. 160. To amend Sections 2891 and 2892 of the Code of Alabama of 1923, relative to the practice of Optometry, and sections 2875 and 4387 of the Code of Alabama of 1923, relative to the practice of Optometry, as amended by the Act of 1935, entitled "An Act to Amend Sections 2874, 2875, 2880, 2885, 2886, 2888, 2889, 4387, 4389, and 4390, Code of Alabama of 1923, relative to the practice of Optometry."

Committee on Revision of Laws.

REPORTS OF COMMITTEES

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sanderson:

H. 302. To amend an Act entitled an Act, To fix the salary of the Judge of Probate in all counties in this State which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges and courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

By Mr. Shaver (with notice and proof):

H. 201. To require one-third of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefor, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

By Mr. Owens (Madison) (with notice and proof):

H. 202. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

By Mr. Rayburn (with notice and proof):

H. 291. To alter the corporate limits of the City of Guntersville, Marshall County, Alabama, and to rearrange and define the boundaries thereof.

By Mr. Rayburn (with notice and proof):

H. 296. To establish a Court of County Commissioners for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; to fix the number of members thereof, and to prescribe the districts of said Court, to provide for the appointment and election of the members of said Court, to fix their duties, powers, compensation and terms of office; to provide that the Judge of Probate of Marshall County, Alabama, shall be Ex-Officio Judge and Chairman of said Court; to fix his powers, duties and compensation, and provide for its payment and provide that all laws and parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

By Mr. Reid (with notice and proof):

H. 293. To Authorize and Empower the Board of Revenue of Shelby County, Alabama, to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", and as further provided for in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an excise tax on every distributor, refiner, retail dealer, or storer of gasoline, providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any provisions thereof", which is to be paid to Shelby County, Alabama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", being House Bill No. 324, for the purpose of paying the compensation of such members

of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law, and to authorize the County Treasurer of Shelby County, Alabama, to immediately upon the passage and approval of this Act to set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided for in Section 1 of this Act.

By Mr. Owens (Madison) (with notice and proof):

H. 301. For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

By Mr. Simpson:

S. 140. To create and establish in each city of the State of Alabama which has a population of 100,000 or more people, according to the last Federal Census, or which may hereafter have a population of 100,000 or more people, according to any subsequent Federal Census, a city wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such cities; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said system in each of such cities; to define the scope and extent of said system and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for payment of the expenses of each such agency; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

By Mr. Rogers (Mobile):

S. 141. To require all Sheriffs, who are not on a salary exclusively, but who receive fees or part fees for their services and compensations, to file monthly itemized statements, under oath, with the treasurer, or such other corresponding officer, in their respective counties, showing monies received and expended by said officers in their respective offices, and departments, in all counties of the State of Alabama, having a population of not less than one hundred thousand and not exceeding two hundred and fifty thousand, according to the last, or any subsequent Federal Census; and to provide penalties for failure to file such reports.

By Mr. Mooneyham:

S. 143. To authorize and require the Board of Education in any County in the State of not less than 75,000 nor more than 100,-

000 population according to the last or any succeeding Federal Census to provide a pension or retiring allowance for teachers who have served in the public schools of such county.

By Mr. Woodall (with notice and proof):

S. 148. To ratify and approve the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the Southern Bell Telephone and Telegraph Company, Incorporated, upon warrants drawn on claims that were approved by the Court of County Commissions of said County for a telephone for the office of the County or Deputy Solicitor of said County during the time between the dates of January 15, 1928 and January 15, 1934, both inclusive, said sum of \$171.71 having been paid as aforesaid under and by virtue of an Act of the Legislature of Alabama, entitled "An Act To amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the office of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General Acts of Alabama of 1927, page 218, which said Act having heretofore been declared invalid by the Attorney General of Alabama, as to the payment of said sum.

By Mr. Fletcher (with notice and proof):

S. 149. For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

By Mr. Fletcher (with notice and proof):

S. 150. For the relief of W. E. Butler, Probate Judge of Madison County, Alabama.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rayburn (with notice and proof):

H. 290. To permit moving picture shows on Sunday, whether admission is charged therefor or not, in the City of Guntersville, Alabama, and within the police jurisdiction thereof.

Mr. Walden, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Henson:

H. 58. To define turpentine gum (oleoresin) and the products as processed therefrom by the original producer as agricultural commodities, and agricultural farm products.

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Locke (with amendment):

S. 147. Providing for and requiring each and every person, firm, association, partnership, agency, lessee, trustee or corporation engaged in the business of operating a motor vehicle for hire for the transportation of persons within the limits of a city or incorporated town, or within the police jurisdiction thereof, or between two cities or incorporated towns whose city limits adjoin, or within the police jurisdiction thereof, to post and file with the City Clerk of the city or incorporated town in which such business is carried on an indemnity bond or indemnity insurance policy for the protection of persons using such motor vehicles, and for the protection of the general public, against injury and damage to person and property proximately caused by the negligence of such person, firm, association, partnership, agency, lessee, trustee or corporation, or the servant, agent or employee of any of them, in the operation of such motor vehicle; making it unlawful to operate such motor vehicle without first filing such bond or policy and without the same being first approved by the City Clerk of the city or incorporated town in which such business is carried on, and without the same being maintained at all times; and to prescribe punishment and penalties for the violation of this Act.

My Russell, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Swift (with substitute):

S. 138. To fix, prescribe and authorize a classification or application of Utility rates to be charged by the Public Utilities of this State of Alabama, against churches, hospitals and eleemosynary institutions.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the follow-

ing enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 92. To allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies or resigns.

S. 95. To authorize and empower any municipal corporation located in Tuscaloosa County, Alabama, to use for general purposes all or any part of the funds derived by it under the provisions of an Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

S. 96. To authorize and empower the Board of Revenue of Tuscaloosa County, Alabama, to use a portion, or so much thereof as may be necessary, of the funds which are to be paid to Tuscaloosa County, Alabama, under the provisions of Article 13, Chapter IV, of the Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to Provide for the General Revenue of the State of Alabama," for the purpose of paying interest on, and establishing a sinking fund for the retirement of, any bonds of Tuscaloosa County, Alabama, which have been sold, or which may

hereafter be sold, to provide funds for paving or aiding in the paving of any public roads in Tuscaloosa County which are, or which hereafter may be, designated as State Aid Roads by the State Highway Commission of Alabama, and which State Highway Commission with State funds or State and Federal Aid funds has improved and has let contracts for paving and has paved, or which it may hereafter improve and let contracts for paving, and that all laws and parts of laws in conflict with the provisions of this Act be repealed insofar as they apply to Tuscaloosa County, Alabama.

S. 97. To provide a fund for the support of a law library for the circuit court of Tuscaloosa County, Alabama, without appropriations from the State or county treasury, by the assessment and collection of court costs in all actions, suits, cases and proceedings hereafter filed in or brought to the circuit court of Tuscaloosa County, Alabama, and to fix the custodian of said funds and to provide regulations for the purchase, custody and handling of said library.

S. 99. For the relief of I. R. Reddoch, Judge of Probate of Crenshaw County, Alabama.

S. 107. To authorize and direct the Board of Revenue of Calhoun County, Alabama, to pay for advertising the notice and substance of local bills to be introduced or having been introduced in the Legislature for said County when the bill applies to the whole County.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 50. To authorize the Board of County Commissioners, or like governing body, of Pickens County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering,

withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of County Commissioners, or like governing body, of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provisions for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Also:

H. 64. To amend Section 3 of Article 1 of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 173. To amend Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and XII, of an Act entitled "An Act to regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such counties; to set up qualifications for apprentices or students in such counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such counties; to provide requirements of shops and schools teaching Cosmetology in such counties, provide for the refusal or revocation of certificates of registration in such counties, the requirement of renewal of registration and licenses in such counties and penalties for the violation of this Act," which became a law July 23rd, 1931.

Also:

H. 177. To provide for the appointment of deputy circuit solicitors in all counties of this state, having a population of 300,000 or more according to the last or any subsequent Federal census, to prescribe their duties and to fix their compensation and to provide the way and manner of paying the same.

Also:

H. 190. To fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County, provided, however, that all witness fees, judgments and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other Clerical Assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect.

Also:

H. 191. To amend Section 3 of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same: To provide for the compensation of Clerks, Deputies, Clerical Assistants and other expenses in the probate office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Judge of Probate and the Clerks, Deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the meth-

od and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

Also:

H. 192. To authorize the Board of Revenue or like governing body of Tuscaloosa County, Alabama, to set up and create out of the general funds of said County a contingent fund not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per annum; to define its purpose and uses and to provide the manner of disbursement of said fund: and to prescribe when this Act shall go into effect.

Also:

H. 257. To provide for the election of members of the Board of Education of Marion County, and the time and manner thereof and the time and manner of the election and selection of the successors to the present members of said Board; to provide that one member of said Board shall be elected by the qualified electors of each of the sub-divisions of said county herein designated and described; and to provide for their terms of office and to provide for the duties and powers of the said Board of Education, and for the compensation and qualification of members thereof.

Also:

H. 258. To relieve all persons in Marion County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Marion County, Alabama.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate.

By Mr. Harrison:

H. 180. To legalize and regulate the manufacture, sale and possession of alcohol, and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his term of office, compensation, and powers, and provide for his appointment; to provide and levy a license upon the sale of alcohol and alcoholic malt beverages, and to levy an excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 180, to the Committee On Temperance.

ORDER TO PRINT

On motion of Mr. Bonner, 500 copies of the bill:

H. 180. To legalize and regulate the manufacture, sale and possession of alcohol, and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his term of office, compensation, and powers, and provide for his appointment; to provide and levy a license upon the sale of alcohol and alcoholic and malt beverages, and to levy an excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act.

Were ordered printed for the use of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Staples:

H. 247. To authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing

the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any other section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act."

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED AN ACT

"An act to authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said County existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given

to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Mobile County, in the State of Alabama, acting through its Board of Revenue and Road Commissioners, is hereby authorized to issue bonds from time to time not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county, existing on September 30th, 1936.

Section 2. The bonds hereby authorized shall be issued in such denominations and at such time or times and with such maturities and interest rates as may from time to time be determined by the said Board of Revenue and Road Commissioners of Mobile County, provided, however, that none of said bonds shall be payable earlier than three years after the date of said bonds nor later than thirty years after the date thereof. Said bonds shall be subject to and governed by Article V, and amendments thereto, of the Act of the Alabama Legislature approved September 10th, 1927, known as The Municipal Bond Code, except as otherwise herein provided.

Section 3. The Board of Revenue and Road Commissioners of Mobile County may pay the obligations of said county subject to this act, either by an exchange therefor of bonds authorized to be issued hereunder, dollar for dollar, or by appropriating the proceeds from the sale of any of said bonds to the payment of said obligations, or by both methods. Any obligation of the county subject to the provisions of this act may likewise be paid, prior to maturity, as provided in this section, provided that the holder thereof consents thereto.

Section 4. Said Board of Revenue and Road Commissioners of Mobile County shall have the right from time to time, when it deems such action to the best interest of Mobile County to amend, alter, or change previous resolutions relative to the retiring of obligations of Mobile County subject to the provisions of this act, provided that no amendment, alteration, or change of any such resolution shall affect any vested right.

Section 5. The said Board of Revenue and Road Commissioners shall ascertain, and by appropriate resolution declare, what bonds issued hereunder, and the interest thereon, shall be payable out of the general fund of the county and what bonds issued hereunder, and the interest thereon, shall be payable out of the special $2\frac{1}{2}$ mill tax of said county generally known as the "Road and Bridge Tax" levied under the authority of section 215 of the Constitution of Alabama of 1901, provided that if at any time it shall appear that prompt payment of the principal or interest may be better provided by using a different method said Board of Revenue and Road commissioners may adopt such method, within the limits authorized by law, as may be deemed by said board advisable.

Section 6. Any unbonded obligation of Mobile County authorized to be refunded hereunder that has not been registered by the Treasurer of Mobile County, and existing on the 30th day of September, 1936, must be presented

to such Treasurer for registration on or before the first day of November, 1936. Any such obligation not presented to said Treasurer within said time for registration shall not be entitled to the benefits of this act. During the month of September, 1936, the Treasurer of Mobile County must publish once a week for four consecutive weeks, at the expense of Mobile County, in some daily newspaper published in Mobile County and of general circulation therein, a notice that the holder of any such valid and enforceable unbonded obligation of Mobile County, and of any unbonded obligation of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and existing on the 30th day of September, 1936, which has not been registered by the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County on or before the first day of November, 1936, or the same shall not be entitled to the benefits of this act. Nothing in this section, however, shall exempt the holder of any such obligation from the necessity of filing his claim with the Board of Revenue and Road Commissioners of Mobile County for allowance by that body where such claims are required by law to be allowed by said body.

Section 7. Said Board of Revenue and Road Commissioners of Mobile County may forthwith, after the first day of November, 1936, proceed to issue bonds hereunder in order that the obligations of such county existing on the 30th day of September, 1936, which are subject to the provisions of this act, may be retired at the earliest times practicable.

Section 8. The words "Board of Revenue and Road Commissioners of Mobile County" wherever herein used shall refer to and apply to any other board, body, or court that may become the governing body of Mobile County.

Section 9. That if any section, clause, or provision of this act shall be held or declared to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section, clause, or provision of this act which is not, of itself, void or unconstitutional, but the same shall remain in full force and effect.

Section 10. That all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act, are hereby repealed.

Section 11. This act shall become effective upon its approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA }
COUNTY OF MOBILE }
CITY OF MOBILE }

Personally appeared before me, Greg. L. Kenny, a Notary Public in and for Mobile County, Alabama, J. T. Watters, who being first duly sworn, states that he is co-publisher of THE MOBILE TIMES and that the annexed publication has been regularly made once a week for 4 consecutive weeks, to-wit: On February 10, 17, 24, March 2, 1936 respectively, of THE MOBILE TIMES, a newspaper printed and published in the City and County of Mobile, and State aforesaid.

J. T. Watters
Co-publisher

Sworn to and Subscribed before me, this 3 day of March, A.D., 1936

(Seal)

Greg. L. Kenny
Notary Public

Also:

By Mr. McDermott:

H. 186. To validate and make a lawful debt of Mobile County, \$6385.00 in warrants heretofore issued by said county to the Mobile County Department of Public Welfare, and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to validate and make a lawful debt of Mobile County. \$6,385.00 in warrants heretofore issued by said county to the Mobile County Department of Public Welfare, and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

WHEREAS Mobile County has heretofore issued warrants in the sum of \$6,385.00 to the Mobile County Department of Public Welfare for the purpose of paying said county's part of the expenses of the operation and maintenance of said Department and

WHEREAS said warrants have been negotiated and the proceeds used for the above recited purpose, Now Therefore:

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the \$6,385.00 in warrants heretofore issued by Mobile County to the Mobile County Department of Public Welfare, for the above recited purpose, are hereby validated and made a lawful debt of Mobile County and said warrants shall be registered by the Treasurer as of the date of the passage of this act, and shall be paid out of the consolidated treasury of said County in the order of their registration.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage.

GEORGE A. SOSSAMAN,
Attorney.

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me the undersigned Notary Public in and for said State and County, George A. Sossaman, who upon oath deposes and says that the attached printed matter appeared in the Mobile Times in its issues of February 4, 11, 18, and 25, 1936 and that the Mobile Times is a newspaper of general circulation in Mobile County, Alabama.

GEORGE A. SOSSAMAN,

Subscribed and sworn to before me this the 26th day of February, 1936.

WILLIAM M. BEKURS.

Notary Public, Mobile County, Alabama.

Also:

By Mr. McDermott:

H. 187. To provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby required to be paid annually, in such installments as is convenient, out of the general fund of Mobile County to the Mobile County Department of Public Welfare such sums of money as shall be reasonably necessary to pay said county's pro-rata share for the maintenance and operation of said Department but which sum in any fiscal year shall not exceed a total of \$18,000.00. The amount to be appropriated each year shall be determined by the Board of Revenue and Road Commissioners, or like governing body, of Mobile County under the foregoing rules and directions.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage.

GEORGE A. SOSSAMAN,

Attorney.

STATE OF ALABAMA }
COUNTY OF MOBILE }

Personally appeared before me the undersigned Notary Public in and for said State and County, George A. Sossaman, who upon oath deposes and says that the attached printed matter appeared in the Mobile Times in its issues of February 4, 11, 18, and 25, 1936 and that the Mobile Times is a newspaper of general circulation in Mobile County, Alabama.

George A. Sossaman.

Subscribed and sworn to before me this the 26th day of February, 1936.

William M. Bekurs,

Notary Public, Mobile, County, Alabama.

Also:

By Mr. Taylor:

H. 222. To validate and make a lawful debt of Mobile County, \$8,400.00 in warrants heretofore issued by said county to Headquarters Special Troops 31st Infantry Division, Alabama National Guard and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to validate and make a lawful debt of Mobile County, \$8,400.00 in warrants heretofore issued by said county to Headquarters Special Troops 31st Infantry Division, Alabama National Guard and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

WHEREAS Mobile County has heretofore issued warrants in the sum of \$8,400.00 to Headquarters Special Troops 31st Infantry Division, Alabama National Guard, for the purpose of assisting in the building of a national guard armory at Mobile and

WHEREAS at the time of the issuance of said warrants and at the present time there was and is a lack of and need for a national guard armory in Mobile in order to provide for the safe keeping of arms, ammunition, accouterments, military records, banners and relics of the state, and

WHEREAS said warrants have been negotiated and the proceeds used in the building of said armory. NOW THEREFORE BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the \$8,400.00 in warrants heretofore issued by Mobile County to Headquarters Special Troops 31st Infantry Division, Alabama National Guard, for the above recited purpose, are hereby validated and made a lawful debt of Mobile County and said warrants shall be registered by the Treasurer as of the date of the passage of this act and shall be paid out of the consolidated treasury of said county in the order of their registration.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage.

GEORGE A. SOSSAMAN,
Attorney.

STATE OF ALABAMA, }
COUNTY of MOBILE. }

Personally appeared before me the undersigned Notary Public in and for said State and County, George A. Sossaman, who upon oath deposes

and says that the attached printed matter appeared in the Mobile Times in its issues of February 4, 11, 18, and 25, 1936 and that the Mobile Times is a newspaper of general circulation in Mobile County, Alabama.

George A. Sossaman,
Subscribed and sworn to before me this the 26th day of February, 1936.
William M. Bekurs,
Notary Public, Mobile County, Alabama.

Also:

My Mr. Staples:

H. 259. To provide for additional clerks in the offices of the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County; to fix the method and basis of their appointment and compensation and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to provide for additional clerks in the offices of the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County; to fix the method and basis of their appointment and compensation and to designate the funds from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Circuit Judges, or a majority of them, of Mobile County are hereby directed to authorize the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County, to employ such clerks, in addition to those now provided for by law, as may be necessary to the proper functioning of each of said offices. Said Circuit Judges, or a majority of them, shall fix the number and salaries of all such clerks.

Section 2. The Probate Judge, Tax Collector, Clerk and Register of the Circuit Court shall pay the salaries above provided for each of said offices, each month, out of any fees collected as such officers. The Tax Assessor shall each month certify to the Tax Collector the sum incurred by him for clerk hire hereunder during the preceding month and the Tax Collector shall retain out of the taxes collected by him a sum sufficient to pay same which sum he shall pay over to the tax assessor. Such sum so retained shall be charged against, borne and retained, respectively, by, from and out of, the taxes collected for account of the State of Alabama, the

taxes collected for account of the County of Mobile, and the taxes collected for account of the Board of School Commissioners of Mobile County, in the ratio that the amounts collected respectively for the State, for the County of Mobile, and for the Board of School Commissioners of Mobile County, bear to the total amount of taxes collected.

Section 3. Should any clause, sentence, paragraph, part or section of this act be invalid, such invalidity shall not affect, impair or invalidate the remainder of this act.

Section 4. All laws, general, local and special in conflict herewith are hereby repealed, in so far as they conflict herewith.

Section 5. This act shall become effective immediately upon its passage.

STATE OF ALABAMA, }
COUNTY OF MOBILE. }

Personally appeared before me the undersigned Notary Public in and for said State and County, John M. Will, who upon oath deposes and says that he is the editor of the Prichard Citizen and that the Prichard Citizen is a newspaper of general circulation in Mobile, County, Alabama and that the attached printed matter appeared in said newspaper in its issues of February 14, 21, 28 and March 6, 1936.

John M. Will

Subscribed and sworn to before me this the 6th day of March, 1936.

William M. Bekurs,

Notary Public, Mobile County, Alabama.

Also:

By Mr. Taylor:

H. 221. To provide funds for the maintenance and operation of a County Health Department under direction of the County Health Officer of Mobile County; to repeal all laws in conflict herewith, and to fix the time when this act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

A BILL TO BE ENTITLED

AN ACT to provide funds for the maintenance and operation of a County Health Department under direction of the County Health Officer of Mobile County; to repeal all laws in conflict herewith, and to fix the time when this act shall become effective.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby required to be paid annually, in equal monthly installments, out of the general fund of Mobile County to the Board of Health of Mobile County such sums of money as shall be reasonably necessary for the maintenance and operation of a County Health Department under direction of the County Health Officer, which sum for any fiscal year shall not be less than a sum equal to fifteen cents per capita of population

according to the last or any succeeding Federal Census. The amount to be appropriated each year shall be determined by the Board of Revenue and Road Commisisoners, or like governing body, of Mobile County, under the foregoing rules and directions.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage.

GEORGE A. SOSSAMAN,
Attorney.

STATE OF ALABAMA, }
COUNTY OF MOBILE. }

Personally appeared before me the undersigned Notary Public in and for said State and County, George A. Sossaman, who upon oath deposes and says that the attached printed matter appeared in the Mobile Times in its issues of February 4, 11, 18, and 25, 1936 and that the Mobile Times is a newspaper of general circulation in Mobile County, Alabama.

George A. Sossaman,

Subscribed and sworn to before me this the 26th day of February, 1936.

William M. Bekurs,

Notary Public, Mobile County, Alabama.

Also:

By Mr. Staples:

H. 227. To repeal an Act entitled "An Act To require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act"; approved March 8, 1933.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

NOTICE is hereby given that at the extraordinary session of the Legislature of Alabama, to begin sitting on or about the 11th day of February, 1936, a Bill will be introduced to repeal an Act entitled "An Act to require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act"; approved March 8th, 1933.

Wm. M. Curran, being sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of The Mobile Register February 4, 11, 18, and 25, 1936.

Wm. M. Curran,

Sworn to and Subscribed before me this 27th day of Feb. 1936.

Carl M. Smith,
Notary Public.

(Seal)

Also:

By Mr. Taylor:

H. 260. To appropriate out of any monies collected as fees now or afterwards in possession of the Probate Judge of Mobile County \$150.00 per month and the pro-rata fractional part thereof, from November 20th 1935 to the date of the passage of this act, to the person who has been performing necessary work as an assistant tax redemption clerk in said Probate Court. Said sums to be in compensation for said services which have been rendered. To provide the method of payment thereof. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the next special session of the Legislature of Alabama for the passage of a bill in substance as follows:

"A BILL TO BE ENTITLED

AN ACT to appropriate out of any monies collected as fees now or afterwards in possession of the Probate Judge of Mobile County \$175.00 per month and the pro-rata fractional part thereof, from November 20th, 1935, to the date of the passage of this act, to the person who has been performing necessary work as an assistant tax redemption clerk in said Probate Court. Said sums to be in compensation for said services which have been rendered. To provide the method of payment thereof. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated out of any fees that may now or hereafter be in the possession of the Probate Judge of Mobile County \$175.00 per month and the pro-rata part thereof from November 20th, 1935, to the date of the passage of this act, to the person who has been performing work as an assistant tax redemption clerk in the Probate Court of Mobile County to compensate him for such services which were and are necessary and which have been rendered by him.

Section 2. Said Probate Judge is required to pay said sum to the above described person out of any fees received by said Probate Judge now or hereafter in his possession.

Section 3. All laws in conflict herewith are hereby expressly repealed.

Section 4. This act shall become effective immediately upon its passage.

STATE OF ALABAMA, }
COUNTY OF MOBILE. }

Personally appeared before me the undersigned Notary Public in and for said State and County, John M. Will, who upon oath deposes and says that he is the editor of the Prichard Citizen and that the Prichard Citizen is a newspaper of general circulation in Mobile, County, Alabama and that the attached printed matter appeared in said newspaper in its issues of February 7, 14, 21, and 28, 1936.

John M. Will.

Subscribed and sworn to before me this the 29th day of February, 1936.
William M. Bekurs,
Notary Public, Mobile County, Alabama.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House bills 247, 186, 187, 222, 259, 221, 227 and 260, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Taylor:

H. 261. To authorize the State, through the State Docks Commission, to acquire, own, lease, operate, locate, install, construct, acquire, lease, own, hold, maintain, control and operate at seaports a line of terminal railroads with necessary sidings, turn outs, spurs, branches, switches, yard tract, bridges, trestles, and causeways and in connection therewith or appurtenant thereto shall have the further right to lease, install, construct, acquire, own, maintain, control and use any and every kind or character of motive power and conveyances or appliance necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances; and provided the State shall have no power or authority to operate tug or pilot boats.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 261, to the Committee on Seaports.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Walden:

S. 102. To accept the provisions of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; to provide for the State of Alabama to qualify for all of the purposes and benefits as specified in said Act; to authorize the State to make such plans as are necessary for carrying out the purposes of the Act; and to designate the Extension Service of the Alabama Polytechnic Institute as the agency of the State to administer said Act.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

RECESS

At 1:35 P. M., on motion of Mr. Frazer the Senate took a recess until 3:30 this afternoon.

SIXTEENTH DAY—AFTERNOON SESSION

Tuesday, March 24, 1936.

The Senate re-assembled at 3:30 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Parrish	Swift	Woodall
Glover			

—33

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Dorsey:

S. 161. To provide for and regulate the possession, manufacture, sale and other disposition of spiritous, vinous and malt liquors in the several counties of the State of Alabama whenever such possession, manufacture, sale or other disposition is authorized in and by the election by the qualified voters of the several counties of the State to be held as provided in this Act; to provide for and create the Alabama Alcoholic Beverage Control Board and to define its powers, duties and authority; to prohibit the possession, manufacture, sale or other disposition of such liquors in the State of Alabama except as authorized by this Act and to repeal all laws and parts of laws, general, special, local and private in conflict with the provisions of this Act.

Committee on Temperance.

RESOLUTIONS

Mr. Walton offered the following Senate resolution:

S. R. 33. WHEREAS, The present Legislature of the Alabama has been in extraordinary session for more than thirty days; and,

WHEREAS, It was generally recognized and understood that the purpose of this extraordinary session of the Legislature of Alabama was to provide sufficient revenue whereby the State of Alabama might have a functioning government and whereby the schools of Alabama might be provided with sufficient funds and be kept open and running in a normal way; and,

WHEREAS, Since the convening of the Legislature in the present extraordinary session, no effort has been made to provide funds for the operation of the common schools of this state; and,

WHEREAS, No recommendation has been made by this Administration and by the Administration leaders in the Legislature which sought to provide funds for the common schools of Alabama, and to prevent their closing; and,

WHEREAS, The common schools in fifty-three counties of this State have already closed their doors and thousands of children in this State are denied the God-given and constitutional privilege and opportunity of securing an education; and,

WHEREAS, No program has been devised or put forward by the Administration designed to open and operate the common schools of this State for the remainder of the current school year; and,

WHEREAS, There are now pending in committees in the Senate of Alabama several bills which if adopted and enacted into law by this Legislature would provide the necessary funds for the operation of the common schools of this State; and,

WHEREAS, No definite program has been put forward for the raising of revenue in this state except a proposed bill with a referendum for the legalization of the sale of intoxicating beverages and liquors, and a general sales tax bill with a referendum, which later bill and the referendum feature thereof has been declared illegal by the Supreme Court of Alabama; and,

WHEREAS, It is generally recognized and believed that the people of this State do not desire a general sales tax of any kind or form and that any further kind devoted to the consideration of a general sales tax by this Legislature is untimely and undesired.

THEREFORE, BE IT RESOLVED, by the Senate of Alabama that it is the sense of the Senate of Alabama that all further efforts to adopt and enact into law a general sales tax in any form be abandoned; and,

BE IT FURTHER RESOLVED, that no action be taken by the Senate of Alabama on the proposed liquor bill and referendum recently passed by the House of Representatives of Alabama until some assistance and aid be given the common schools of Alabama, and until full assurance is given that the Administration is interested in enacting such revenue measures as will provide sufficient funds for the operation of the common schools of this State for the remaining months of the current scholastic year.

Which was read and referred to the Standing Committee on Rules.

The Rules Committee reported the following Senate joint resolution:

S. J. R. 34. Be it resolved by the Senate, the House concurring, that when the two houses adjourn they adjourn to meet at 10 A. M., Friday, March 27, 1936.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

The Rules Committee also reported the following Senate resolution:

S. R. 35. RESOLVED, That when the Calendar is reached, that the Senate first take up on such calendar the bills thereon in the following order: First, Senate Bills; Second, House Local Bills; Third, House General Bills.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

Mr. Woodall offered the following Senate resolution:

S. R. 36. BE IT Resolved by the Senate, that when the Senate today begins its consideration of the Senate Calendar that the Senate remain in session for a period of at least two and one half hours or so much thereof as may be necessary to complete the call of bills on said Calendar.

And on motion of Mr. Woodall, the rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House bill:

By Mr. Harrison:

H. 19. To amend Schedule 158.1, of Chapter 6, Article 13, of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935, and as amended September 21, 1935.

And requests a Committee of Conference. The Speaker of the House has appointed as conferees on the part of the House Messrs. Harrison, McDermott and Hill.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bonner, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two houses on the Senate amendment to H. 19, the title of which is set out in the foregoing Message from the House, and the President of the Senate appointed as Conferees on part of the Senate Messrs. Carlton, Bonner and Walton.

ORDER TO PRINT

On motion of Mr. Dorsey, 500 copies of the bill:

S. 161. To provide for and regulate the possession, manufacture, sale and other disposition of spirituous, vinous and malt liquors in the several counties of the State of Alabama wherever such possession, manufacture, sale or other disposition as authorized in and by the election by the qualified voters of the several counties of the State to be held as provided in this Act; to provide for and create the Alabama Alcoholic Beverage Control Board and to define its powers, duties and authority; to prohibit the possession, manufacture, sale or other disposition of such liquors in the State of Alabama except as authorized by this Act and to repeal all laws and parts of laws, general, special, local and private in conflict with the provisions of this Act.

Were ordered printed for the use of the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following en-

rolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 102. To accept the provisions of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; to provide for the State of Alabama to qualify for all of the purposes and benefits as specified in said Act; to authorize the State to make such plans as are necessary for carrying out the purposes of this Act; and to designate the Extension Service of the Alabama Polytechnic Institute as the agency of the State to administer said Act.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 34. Relative to two Houses adjourning today to meet again at 10 A. M., Friday, March 27, 1936.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Mr. Wellborn:

S. J. R. 31. Relative to establishing a National Park on the site of COOSA that ancient Indian city visited by DeSoto's army in the year 1540—commemorating the oldest historical site in America.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Walton:

S. 4. To amend an Act entitled an Act to amend Section 1255 of the Code of Alabama, 1923, approved July 22, 1931.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

H. 239. To Amend An Act Entitled, "An Act To Provide For The Election Of A County Superintendent Of Education For Marshall County, Alabama, By The Qualified Electors Thereof; To Prescribe The Qualifications Of Said Officer; To Prescribe The Duties Of The Said Officer, And To Fix The Term And Compensation Of Said Officer" Approved Feb. 17, 1931.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

"To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 239 without my approval.

It is my opinion that the bill is defective from Constitutional standpoint.

I suggest the following executive amendment, which, if adopted, will meet my objection:

Amend said bill by adding just after the words, "Be it enacted by the Legislature of Alabama" the following:

That Section 4 of an Act entitled, "An Act to provide for the election of a County Superintendent of Education for Marshall County, Alabama, by the qualified electors thereof; to prescribe the qualifications of said officer; to prescribe the duties of said office, and to fix the term and compensation of said officer," approved February 17, 1931, be amended so as to read as follows:

Respectfully,
BIBB GRAVES,
Governor.

March 24, 1936."

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 239, by a

vote of a majority of the whole number elected to the House, said vote being: Yeas, 66; Nays, 0.

And said bill, H. 239, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 66; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Browder, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 239, the title of which and said Governor's amendment, is set out in the foregoing message from the House.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Fletcher	Parrish	Stoddard	Wellborn
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, H. 239, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Fletcher	Parrish	Stoddard	Wellborn
Glover	Riddle	Swift	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

BILLS ON THIRD READING

The bill:

S. 108. To make an appropriation for the support, maintenance and improvement of The Southern Industrial Institute.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Thomas
Browder	Goldsmith	Rogers (Mobile)	Tucker
Carlton	Kelly	Russell	Walden
Chesnut	Kuykendall	St. John	Walton
Cook	Locke	Simpson	Weaver
Dorsey	Mixon	Starnes	Wellborn
Fletcher	Mooneyham	Swift	Woodall
Frazer	Parrish	Taylor	

—31

Nays:—None.

The bill:

S. 84. To authorize the employment in their discretion by municipalities in Alabama having a population of not less than twenty-five hundred and not more than fifteen thousand, according to the last or any succeeding Federal census, of a City Manager; and to provide for the authority, duties, liabilities and penalties, the term of office and the compensation of City Managers so employed.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 1.

Yeas:

Messrs.:

Bonner	Frazer	Mooneyham	Thomas
Browder	Glover	Parrish	Tucker
Carlton	Kelly	Rogers (Mobile)	Walden
Chesnut	Kuykendall	Russell	Walton
Cook	Locke	Starnes	Weaver
Dorsey	Mixon	Swift	Woodall
Fletcher			

—25

Nay: Mr. Taylor

— 1

The bill:

S. 51. To prohibit persons, firms or corporations operating steam railroads in intrastate transportation of persons and property within the State of Alabama unifying or consolidating freight or passenger depots, freight or passenger terminals, freight or passenger yard tracks, freight or passenger shops or any freight or passenger terminal facilities, within the State of Alabama, used in

the intrastate transportation of persons or property, where such unification or consolidation will constitute an unreasonable burden upon intrastate commerce within the State of Alabama or is not consistent with the public interest.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 17; Nays, 5.

Yeas:

Messrs.:

Browder	Mixon	Rogers (Mobile)	Thomas
Chesnut	Mooneyham	Russell	Walton
Cook	Parrish	St. John	Weaver
Goldsmith	Riddle	Starnes	Woodall
Kelly			

—17

Nays: Messrs. Locke, Swift, Taylor, Walden and Wellborn

— 5

The bill:

S. 89. To amend Sections 5 and 12 of an Act approved September 14, 1935, entitled "An Act to authorize, provide for, and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service."

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amend Section 12 of Senate bill No. 89 by adding thereto the following:

"He shall not allow stockholders' obligations of any description as part of the assets or capital of any insurance company unless the same are secured by collateral satisfactory to the insurance commissioner."

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	Riddle	Swift	Weaver
Keily	Rogers (Mobile)	Taylor	Wellborn
Kuykendall	Russell	Thomas	Woodall

—24

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Cook

Kelly

Kuykendall

Locke

Mixon

Mooneyham

Riddle

Rogers (Mobile)

Russell

St. John

Simpson

Starnes

Swift

Taylor

Thomas

Tucker

Walden

Walton

Weaver

Wellborn

Woodall

—24

Nays:—None.

The bill:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder

Carlton

Chesnut

Cook

Kelly

Kuykendall

Mixon

Mooneyham

Riddle

Rogers (Mobile)

Russell

St. John

Simpson

Starnes

Swift

Taylor

Thomas

Tucker

Walden

Walton

Weaver

Wellborn

Woodall

—23

Nays:—None.

The bill:

H. 27. To amend Section VIII of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools." Approved Sept. 6, 1935.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Thomas
Browder	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	Parrish	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the sixteenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the sixteenth Legislative day approved by the Senate.

ADJOURNMENT

At 6 P. M., on motion of Mr. Woodall and pursuant to joint Resolution heretofore adopted, the Senate adjourned until Friday, March 27th, 1936, at 10 A. M.

SEVENTEENTH DAY

Friday, March 27th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Browder	Kuykendall	St. John	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Walton
Fletcher	McDowell	Stoddard	Weaver
Frazer	Parrish	Swift	Wellborn
Glover	Rogers (Mobile)	Taylor	Woodall
Kelly	Russell		

—30

JOURNAL

On motion of Mr. Carlton the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Carlton, leave of absence was granted Mr. Bonner for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Walton:

S. 162. To amend Section 7 of an Act approved September 2, 1935, entitled "An Act to regulate General Contracting".

Committee on Public Roads and Highways.

By Mr. Tucker:

S. 163. To regulate the payment of court costs by the State in certain cases.

Committee on Revision of Laws.

By Mr. Mooneyham:

S. 164. To amend Section 3 of an Act approved March 10, 1933, entitled "An Act to provide for the designation by the Court of County Commissioners, Boards of Revenue or like Governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500,000 in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims."

Committee on Revision of Laws.

By Messrs. Rogers (Mobile), Dorsey, Swift, Frazer, McDowell, Russell, Walden, Tucker, Simpson, Wellborn, Locke, Mooneyham, Starnes, Taylor.

S. 165. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

Committee on Finance and Taxation

By Messrs. Rogers (Mobile), Dorsey, Swift, Frazer, McDowell, Russell, Walden, Starnes, Tucker, Simpson, Wellborn, Locke, Mooneyham, Taylor:

S. 166. In relation to the educational system of Alabama; to make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, September 30, 1937, September 30, 1938 and September 30, 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama; and to repeal all laws and parts of laws

in conflict herewith, and to specifically repeal that part of Act No. 322 of the Legislature of 1935, approved September 2, 1935, making appropriations from the General Fund, and repeal Act No. 323 of the Legislature 1935, approved September 2, 1935.

Committee on Finance and Taxation.

By Messrs. Rogers (Mobile), Dorsey, Swift, Frazer, McDowell, Starnes, Russell, Walden, Tucker, Simpson, Wellborn, Locke, Mooneyham, Taylor:

S. 167. In relation to the public school system of Alabama; to make appropriations and provide funds for the support, maintenance, and development of the public school system of the State, and to repeal an Act approved on the 2nd day of September 1935, entitled "An Act in relation to the public school system of Alabama; to make appropriations and provide funds for the support, maintenance and development of the public school system of the State."

Committee on Finance and Taxation.

By Mr. Nixon:

S. 168. To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of Franklin County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be offered for passage in the present special session of the Legislature of Alabama:

A BILL

TO BE ENTITLED AN ACT,

To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of Franklin County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Solicitor of the Law and Equity Court of Franklin County, Alabama, shall receive a salary of Fifteen Hundred Dollars per year, payable One Hundred and Twenty Five Dollars per month, out of the county treasury of said county, on warrant drawn by the judge of said Court.

Section 2. In addition to the duties now required by law of the Solicitor of the Law and Equity Court of said county, he shall, when not otherwise engaged in the performance of his official duties, assist the Circuit Solicitor in the prosecution of criminal cases in the Circuit Court of said county, when requested so to do by said Circuit Solicitor.

Section 3. The Act Approved September 28th, 1923, Local Act of the Legislature of Alabama of 1923, page 272, is hereby amended so as to conform to the provisions hereof.

Section 4. This Act shall take effect from and after its passage and approval.

W. B. MIXON, Senator,
31st Senatorial District of Alabama.

State of Alabama
Franklin County.

Before me, R. P. Sargent, a Notary Public in and for said county and state, personally appeared Betty Callier, who being duly sworn, doth depose and say that the advertisement, a copy of which is hereto attached, was published once a week for four consecutive weeks in the Franklin County Times, a newspaper published in Russellville, Franklin County, Alabama, said advertisement having been published in the issues of said paper published on the following dates, to-wit; March 5th, 1936. March 12th, 1936, March 19th, 1936, and March 26th, 1936. Affiant is bookkeeper of the said Franklin County Times.

BETTY CALLIER

Sworn to and subscribed before me, this 26th day of March, 1936.

(Seal)

R P. SARGENT,
Notary Public.

By Mr. Walden:

S. 169. To regulate the use of proceeds of State gasoline taxes by counties, to fix penalties for violation of this Act, and to repeal all laws in conflict herewith.

Committee on Finance and Taxation.

By Mr. Mooneyham:

S. 170. To provide for service of notice by tax collector on resident taxpayers when personal service or service by registered mail cannot be perfected as now provided by law.

Committee on Finance and Taxation.

By Mr. Thomas:

S. 171. to prohibit expenditure of funds from any department of State of Alabama or other funds for purpose of maintaining any board or bureau whose purpose is to investigate records of convicts of the State of Alabama.

Committee on Finance and Taxation.

By Mr. Rogers (Mobile):

S. 172. To amend Section One of an act entitled an Act "Allowing boxing, sparring and wrestling matches and exhibition under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission", approved July 1, 1927; and to amend Section Three of said act as last amended August 21, 1935.

Committee on Revision of Laws.

REPORTS OF COMMITTEES

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Carlton:

S. 160. To amend Sections 2891 and 2892 of the Code of Alabama of 1923, relative to the practice of Optometry, and sections 2875 and 4387 of the Code of Alabama of 1923, relative to the practice of Optometry, as amended by the act of 1935, entitled "An Act to Amend Sections 2874, 2875, 2880, 2885, 2886, 2888, 2889, 4387, 4389, and 4390, Code of Alabama of 1923, relative to the practice of Optometry.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mooneyham, (with amendments):

S. 128. For the relief of tax payers permitting and authorizing the transfer of any tax claim held by the State of Alabama, any county, municipality or taxing district thereof and authorizing and directing the issue of certificates evidencing such transfers and securing to the owner or holder of such certificates the same liens for enforcing said tax claims as the State of Alabama or the county or municipality or taxing district had prior to said transfer by it and providing for the enforcement of said liens and collection of amounts paid for said certificates and costs for collecting the same and the release thereof.

By Mr. Woodall:

S. 156. To amend Schedule 133 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Simpson (with amendments):

S. 153. To amend Schedule 158.12 of Section 348 of an Act of the Legislature of 1935 approved July 10, 1935, and entitled "An Act to provide for the general revenue of the State of Alabama".

By Mr. Simpson:

S. 139. To amend Schedule 158.15 of Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Swift (by request):

S. 137. To amend Schedule 42 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

By Mr. Swift:

S. 106. To relieve the emergency whereby the Public schools in many Counties of Alabama are unable for lack of funds to complete a seven months term for the school year of 1935-36, by ap-

appropriating the receipts from Franchise Taxes of Foreign and Domestic Corporations, as collected after the passage of this Act, for the fiscal year 1935-36 to the use of the Public Schools of Alabama, and authorizing and directing the Governor of Alabama to allocate the same to make the term of the Public Schools for 1935-36 as nearly as possible the same in the several counties of the State:—

By Mr. Starnes:

S. 64. To provide for the appointment by Circuit Judges of Court Bailiffs in all Circuits composed of more than one County and having two Circuit Judges and to provide for the compensation of such bailiffs.

By Mr. Taylor:

H. 137. To Amend Section 360 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935 and known as House Bill 324.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without Recommendation and it was read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 155. To amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Glover (with notice and proof):

S. 159. To dispose of the fine and forfeiture fund in Choctaw County, Alabama, and to legalize all claims against such fund re-

ardless of their date; to designate the claims against such fund; to provide the payment of all claims which are by law a charge against said fund as preferred claims.

By Mr. Taylor (with notice and proof):

H. 260. To appropriate out of any monies collected as fees now or afterwards in possession of the Probate Judge of Mobile County \$150.00 per month and the pro-rata fractional part thereof, from November 20th, 1935 to the date of the passage of this act, to the person who has been performing necessary work as an assistant tax redemption clerk in said Probate Court. Said sums to be in compensation for said services which have been rendered. To provide the method of payment thereof. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

By Mr. Staples (with notice and proof):

H. 259. To provide for additional clerks in the offices of the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County; to fix the method and basis of their appointment and compensation and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

By Mr. Staples (with notice and proof):

H. 247. To authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th

day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any other section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act."

By Mr. Staples (with notice and proof):

H. 227. To repeal an Act entitled "An Act To Require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act"; approved March 8, 1933.

By Mr. Taylor (with notice and proof):

H. 221. To provide funds for the maintenance and operation of a County Health Department under direction of the County Health Officer of Mobile County; to repeal all laws in conflict herewith, and to fix the time when this act shall become effective.

Mr. Parrish, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kelly:

S. 158. To amend Section 1153 of the Code of Alabama of 1923, relating to public health.

Mr. Rogers, Chairman of the Standing Committee on Seaports, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

H. 261. To authorize the State, through the State Docks Commission, to acquire, own, lease, operate, locate, install, construct, acquire, lease, own, hold, maintain control and operate at seaports a line of terminal railroads with necessary sidings turn outs, spurs, branches, switches, yard tract, bridges, trestles, and causeways and in connection therewith or appurtenant thereto shall have the further right to lease, install, construct, acquire, own, maintain, control and use any and every kind or character of motive power and conveyances or appliance necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances; and provided the State shall have no power or authority to operate tug or pilot boats.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bill with the original bill, and finds same correctly engrossed, to-wit:

S. 89. To amend Sections 5 and 12 of an Act approved September 14, 1935, entitled "An Act to authorize, provide for, and regulae non-profit corporations for the establishment, maintenance and furnishing a plan of hospitalization and hospital service."

Vernon St. John,
Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 4. To amend an Act entitled an Act to amend Section 1255 of the Code of Alabama, 1923, approved July 22, 1931.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 27. To amend Section VIII of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools." Approved Sept. 6, 1935.

Also:

H. 239. To Amend An Act Entitled, "An Act To Provide For The Election Of A County Superintendent Of Education For Marshall County, Alabama, By The Qualified Electors Thereof; To Prescribe The Qualifications Of Said Officer; To Prescribe The Duties Of The Said Officer, And To Fix The Term And Compensation Of Said Officer" Approved Feb. 17, 1931.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate.

By Mr. Braswell:

H. 155. To amend Section 4039 of the Code of Alabama of 1823.

Also:

By Mr. Staples:

H. 125. To amend Section 51, of an Act approved August 23, 1927, entitled: An Act to provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide

for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 155, to the Committee on Finance and Taxation.

H. 125, to the Committee on Public Roads and Highways.

RESOLUTIONS

Mr. Russell offered the following joint resolution to-wit:

S. J. R. 37. BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING

WHEREAS; The gasoline tax, as a type of tax, was originated by the State of Oregon in 1919 for the sole and express purpose of constructing and maintaining roads and bridges, the crying need for which was recognized by everyone and,

WHEREAS; The gasoline tax is generally recognized as a special road tax levied against a special group of highway users for the special and sole purpose of constructing and maintaining roads and bridges, and,

WHEREAS, The diversion of the gasoline tax proceeds to any other purpose constitutes double and class taxation against a small group of taxpayers who also pay all other general taxes, and.

WHEREAS; All of the proceeds of the State gasoline tax are needed at this time to construct and repair Alabama's highways

and to match Federal Aid Road Funds which are available in Washington, and,

WHEREAS; The Hayden-Cartright road Act provides a loss of one-third ($\frac{1}{3}$) of Alabama's Federal Aid Funds if gasoline tax funds are diverted to purposes other than roads, and,

WHEREAS; A new Federal Act now in Congress if and when passed will permit Alabama to receive her share of Federal Aid Road funds without matching them, provided Alabama permits no diversion of her gasoline tax funds (House Resolution 11687 by Cartright and Senate Bill 4213 by Hayden) and,

WHEREAS; Many bills, both general and local, have been introduced in the Alabama legislature authorizing the diversion of portions of the State gasoline tax proceeds now allocated to the various counties, specifically for roads, and,

WHEREAS; Such local bills are not, in the true sense of the meaning, local bills but affect the entire State of Alabama, now, therefore, be it

RESOLVED; That all proposed acts, both local and general, which would directly or indirectly permit the diversion of state gasoline tax funds to any purpose other than for the direct construction and maintenance of roads and bridges be condemned, and that all such bills written with LOCAL application be considered as GENERAL bills and handled by the Alabama Legislature and the respective committees as such, and that the Governor, be requested to veto any such bills coming to his desk for his approval.

And on motion of Mr. Russell, the rules were suspended and the resolution adopted.

Mr. Simpson offered the following Senate resolution:

S. R. 38. BE IT RESOLVED BY THE SENATE OF ALABAMA, that the State Comptroller, with the assistance of the agents of the State of Alabama who disbursed the funds made available by the Federal Government to aid elementary and high schools during the school years 1933-34, and 1934-35, be required to furnish in tabulated form the following information:

1. Amounts disbursed to Public Schools from Federal emergency funds tabulated by administrative units, during the school year 1933-34.

2. The same information asked for in one (1) above for the school year 1934-35.

3. Amounts determined by Federal audits as needs of the Public Schools tabulated by administrative units including all operating expenses, contractual salaries for a normal school term, (showing the length of such normal school term for each admin-

istrative unit) capital outlay and debt service for the school year 1933-34.

4. The same information asked for in three (3) above for the school year 1934-35.

And on motion of Mr. Simpson, the rules were suspended and the resolution adopted.

Mr. Taylor offered the following Senate resolution:

S. R. 39. BE IT RESOLVED BY THE SENATE OF ALABAMA that after careful consideration of the affairs and financial condition of the State of Alabama, and due to the fact that the finance committee has made complete failure in all propositions up to date, we herewith designate the following committee:

Tucker, Chairman, Starnes, Bonner, Simpson, Russell, Swift, Locke, Rogers, Fletcher, Kelly.

This committee to be known as the Economy Committee and respectfully request a conference with the Governor looking to some permanent, as well as temporary, relief of the schools and other affairs of the State.

The Senate believes that the State of Alabama has sufficient present revenue to operate the affairs of the State without any increase in taxation by readjusting the appropriations of the State and curtailing certain other expenses that are now being incurred by the State.

It is requested that a copy of this resolution be placed on the Governor's desk at once and the conference be had at the earliest moment.

Which was read and referred to the Standing Committee on Rules.

Mr. Dorsey offered the following Senate resolution:

S. R. 40. WHEREAS, there appears to be a difference of opinion as to whether or not local acts diverting gasoline tax funds allocated to the various counties from the State Gasoline tax, to purposes other than for the construction and maintenance of roads and bridges violates the Hayden-Cartwright Act, and renders Alabama liable to a loss of one-third of the Federal funds allocated to her by the United States,

WHEREAS, a number of such local bills have been introduced in the House and in the Senate, and two or three such bills have already passed both Houses and been signed by the Governor,

NOW THEREFORE;

BE IT RESOLVED that the Senate request an advisory opinion from the Supreme Court of Alabama as to whether or not local bills such as S. B. 45 and H. B. 203 of the Present Session of the Legislature, and similar bills now pending in the House and Senate are so worded as to be deemed as diverting funds derived from gasoline taxation levied for road purposes within the meaning of the Act of Congress known as the Hayden-Cartwright Act.

BE IT FURTHER RESOLVED:

That the Secretary of the Senate be required to attach to the Resolution, before transmittal to the Supreme Court, a copy of Senate Bill 45 and House Bill 203.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Harrison:

H. J. R. 34.—BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that when the two Houses adjourn today they adjourn to meet again on Tuesday, March 31st, at 10 A. M.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 34, set out in the foregoing Message from the House was concurred in and adopted.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Fletcher further consideration of the bill:

S. 149. For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

Was indefinitely postponed by the Senate.

On motion of Mr. Dorsey further consideration of the bill:

S. 104. To propose an amendment to the Constitution of Alabama, to be known as Article _____ authorizing the Legislature to levy an income tax for the calendar year 1936, and for each year thereafter; to prescribe maximum rate of said income tax; to provide minimum exemptions; to provide that income shall not be considered property for tax purposes, and to provide that the Legislature shall reduce the ad valorem tax, when the revenue derived from the income tax will justify; and annulling "Article XXII" amending the Constitution of Alabama of 1901.

Was indefinitely postponed by the Senate.

On motion of Mr. Fletcher, further consideration of the bills:

S. 112. To require two thirds of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefore, by

the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

Also:

S. 113. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Also:

S. 114. To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County.

Was indefinitely postponed by the Senate.

BILLS ON THIRD READING

The bill:

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board

holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board.

To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

Was taken up.

The Standing Committee on Local Legislation reported the following amendment to said bill to-wit:

That Section 26 of House Bill No. 241 be amended so as to read as follows:

Section 26. Provided that this act shall not become effective until thirty (30) days after the voters of Cullman County, Alabama, have voted their approval in an election which is hereby authorized to be held on May 5, 1936, which is to be conducted in all respects as the general elections in this State at which all legal voters in said county may participate. On the ballot to be used in said election there shall be printed the following words:

(Place an x opposite the words indicating your choice.)

_____ For Proposed Board of Finance and Control.

_____ Against Proposed Board of Finance and Control.

On motion of Mr. Stephens said amendment was laid on the table.

Mr. Stephens offered the following amendment to said bill to-wit:

That Section 26 of House Bill No. 241 be amended so as to read as follows:

Section 26. Provided that this act shall not become effective until thirty (30) days after the voters of Cullman County, Alabama, have voted to come under this Act in an election which is

hereby called to be held on May 5, 1936, or at a subsequent general election, conducted in all respects as the general elections in this State are conducted, and, at which all legal voters in said county may participate. If a majority of the legal voters do not elect to put this Act into operation at said first election provided above, one hundred qualified electors of said county may petition the Probate Judge of said county to be allowed electors of said county to again vote on putting this Act into effect. Upon the filing of such petition signed by the required number of legal voters the Probate Judge shall have authority and it shall be his duty to call such election and again submit this election to the electorate of said county. On the ballot to be used in said election there shall be printed the following words:

Place an X opposite the words indicating your choice.)

_____ For Proposed Board of Finance and Control.

_____ Against Proposed Board of Finance and Control.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	St. John	Tucker
Browder	Mixon	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Cook	McDowell	Stoddard	Weaver
Fletcher	Parrish	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Kuykendall	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	St. John	Tucker
Browder	Mixon	Simpson	Walden
Chesnut	Mooneyham	Stephens	Walton
Cook	McDowell	Stoddard	Weaver
Fletcher	Parrish	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 176. To amend Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide

rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations".

Was taken up.

The Standing Committee on Local Legislation reported the following substitute for said bill to-wit:

Committee substitute for H. 176:

A BILL

To be entitled An Act to amend Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations," approved August 5, 1927.

Be it enacted by the Legislature of Alabama:

That Section 1 of an Act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations" be and the same is hereby amended to read as follows:

"Section 1. That the Court of County Commissioners of Limestone County, Alabama, may, for the purpose of constructing and maintaining public roads, bridges and ferries in Limestone County, Alabama, impose a tax on gasoline, Woco-Pep, or any other motor fuel used by self propelled vehicles sold in the county, or stored in the county for sale, not to exceed three cents (3c) per gallon; or may impose and collect a privilege license or tax of not more than 3c per gallon on all gasoline, Woco-Pep, or any other motor fuel used by self propelled vehicle and sold in said county, or stored in said county for sale, for the privilege of selling the same. However, provided, such tax or privilege license shall not be imposed by said Court of County Commissioners after January 1, 1937, unless the governing body of said County is directed to do so by a majority of the votes cast at a referendum held on said subject, which referendum the said governing body is hereby authorized and directed to call on the 3rd day of November, 1936."

Section 2. That the said referendum shall be held by the officers appointed to hold the general election in November, 1936 and the said referendum shall be conducted as are general elections in this state. Returns of said election shall be delivered by the

returning officers to the chairman of the said board of revenue who with the commissioners shall canvas said returns on the Thursday succeeding the said general election and shall announce result of said referendum.

Which was adopted.

Yeas, 25; Nays, 1.

Yeas:

Messrs.:

Browder	Mooneyham	Simpson	Tucker
Chesnut	McDowell	Stephens	Walden
Cook	Parrish	Stoddard	Walton
Kelly	Rogers (Mobile)	Swift	Weaver
Kuykendall	Russell	Taylor	Wellborn
Locke	St. John	Thomas	Woodall
Mixon			

—25

Nay: Mr. Dorsey

—1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 3.

Yeas:

Messrs.:

Browder	Kuykendall	Parrish	Thomas
Carlton	Locke	Rogers (Mobile)	Tucker
Chesnut	Mixon	St. John	Walton
Fletcher	Mooneyham	Stephens	Weaver
Glover	McDowell	Stoddard	Woodall
Kelly			

—21

Nays: Messrs. Dorsey, Frazer and Wellborn

—3

The bill:

H. 201. To require one-third of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefore, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement

of same, all such payments into such sinking fund so created shall cease.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Cook	Mooneyham	Starnes	Walden
Fletcher	McDowell	Stephens	Weaver
Frazer	Parrish	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 202. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Cook	Mooneyham	Starnes	Walden
Fletcher	McDowell	Stephens	Weaver
Frazer	Parrish	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 302. To amend an Act entitled an Act, To fix the salary of the Judge of Probate in all counties in this State which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such

Judge of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges and courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Thomas
Carlton	Mixon	Simpson	Tucker
Cook	Mooneyham	Starnes	Walden
Fletcher	McDowell	Stephens	Weaver
Frazer	Parrish	Swift	Wellborn
Kelly	Rogers (Mobile)	Taylor	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 291. To alter the corporate limits of the City of Guntersville, Marshall County, Alabama, and to rearrange and define the boundaries thereof:

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Kuykendall	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

H. 293. To Authorize and Empower the Board of Revenue of Shelby County, Alabama, to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", and as further provided in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an excise tax on every distributor, refiner, retail dealer, or storer of gasoline,—providing for the collection and payment of such tax and the distribution of the funds derived there-

from, and fixing the penalties for the violation of any provisions thereof", which is to be paid to Shelby County, Alabama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", being House Bill No. 324, for the purpose of paying the compensation of such members of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law, and to authorize the County Treasurer of Shelby County, Alabama, to immediately upon the passage and approval of this Act to set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided for in Section 1 of this Act.

Was read a third time at length and passed.

Yeas, 17; Nays, 5.

Yeas:

Messrs.:

Browder	Locke	St. John	Taylor	
Carlton	Mixon	Starnes	Thomas	
Chesnut	McDowell	Stephens	Walton	
Fletcher	Parrish	Stoddard	Weaver	
Kelly				—17

Nays:

Messrs.:

Dorsey	Goldsmith	Russell	Wellborn	
Frazer				—5

The bill:

H. 301. For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker	
Carlton	Mooneyham	Starnes	Walden	
Cook	McDowell	Stephens	Walton	
Fletcher	Parrish	Swift	Weaver	
Kelly	Rogers (Mobile)	Taylor	Wellborn	
Kuykendall	Russell	Thomas	Woodall	
Locke	St. John			—26

Nays:—None.

The bill:

H. 290. To permit moving picture shows on Sunday, whether admission is charged therefor or not, in the City of Guntersville, Alabama, and within the police jurisdiction thereof.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Kuykendall	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

S. 140. To create and establish in each city of the State of Alabama which has a population of 100,000 or more people, according to the last Federal Census, or which may hereafter have a population of 100,000 or more people, according to any subsequent Federal Census, a city wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such cities; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said system in each of such cities; to define the scope and extent of said system and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel; to provide for payment of the expenses of each such agency; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Kuykendall	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

S. 141. To require all Sheriffs, who are not on a salary exclusively, but who receive fees or part fees for their services and compensations, to file monthly itemized statements, under oath, with the treasurer, or such other corresponding officer, in their respective counties, showing monies received and expended by said

officers in their respective offices, and departments, in all counties of the State of Alabama, having a population of not less than one hundred thousand and not exceeding two hundred and fifty thousand according to the last, or any subsequent Federal census; and to provide penalties for failure to file such reports.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Kuykendall	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

S. 143. To authorize and require the Board of Education in any County in the State of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal Census to provide a pension or retiring allowance for teachers who have served in the Public Schools of such County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Kuykendall	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

S. 148. To ratify and approve the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the Southern Bell Telephone and Telegraph Company, Incorporated, upon warrants drawn on claims that were approved by the Court of County Commissioners of said County for a telephone for the office of the County or Deputy Solicitor of said County during the time between the dates of January 15, 1928, and January 15, 1934, both inclusive. Said sum of \$171.71 having been paid as aforesaid

under and by virtue of an Act of the Legislature of Alabama, entitled "An Act to amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the office of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General Acts of Alabama of 1927, page 218, which said Act having heretofore been declared invalid by the Attorney General of Alabama, as to the payment of said sum.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Kuykendall	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

S. 150. For the relief of W. E. Butler, Probate Judge of Madison County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Kuykendall	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

H. 296. To establish a Court of County Commissioners for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; to fix the number of members thereof, and to prescribe the districts of said Court, to provide for the appointment and election of the members of said Court, to fix their duties, powers, compensation and terms of office; to provide

that the Judge of Probate of Marshall County, Alabama, shall be Ex-Officio Judge and Chairman of said Court; to fix his powers, duties and compensation, and provide for its payment and provide that all laws and parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Fletcher	Parrish	Swift	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Kuykendall	Russell	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

The bill:

H. 238. To repeal a Local Act of the Legislature of Alabama approved September 13, 1935, entitled, "An Act, to establish a Board of Revenue for Marshall County, Alabama, to fix the number of members thereof and to fix the districts of said Board; to relieve the Judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the members of said Board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a Chairman thereof; and fix his duties, powers, compensation and the term of office; to provide for the selection and appointment of a bookkeeper-clerk for said Board, and to fix his term of office, powers, duties and compensation, and provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, and the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Carlton	Mooneyham	Starnes	Walden
Cook	McDowell	Stephens	Walton
Fletcher	Russell	Swift	Weaver
Kelly	Parrish	Taylor	Wellborn
Kuykendall	Rogers (Mobile)	Thomas	Woodall
Locke	St. John		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Hall:

H. 343. To authorize and empower the Commissioners Court of Greene County, Alabama, to appropriate a sum not to exceed Two Hundred Dollars per annum out of the General Fund of Greene County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that a bill will be introduced in the Special Session of the Legislature of Alabama called or to be called by the Governor, which bill will be in substance as follows:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the Commissioners Court of Greene County, Alabama to appropriate a sum not to exceed Two Hundred Dollars per annum out of the General Fund of Green County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

Be it enacted by the Legislature of Alabama:

Section 1. That the Commissioners Court of Greene County, Alabama, be and they are hereby authorized and empowered to appropriate a sum not exceeding Two Hundred Dollars, per annum, out of the General Fund of Greene County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

L. H. MONTGOMERY

STATE OF ALABAMA }
GREENE COUNTY }

I, J. S. Coleman, Editor of the Green County Democrat a weekly newspaper published at Eutaw, Greene County, Alabama, hereby certify the attached local bill was published in the Greene County Democrat in four issues of said paper on to-wit: February 5th, February 12th, February 19th and February 26, 1936.

Given under my hand this the 12th day of March, 1936.

J. S. COLEMAN

Sworn to and subscribed to before me this the 12th day of March, 1936.

ELEANOR M. COLEMAN,

Notary Public in and for Greene County, Alabama.

Also:

By Mr. Byars:

H. 340. To provide for the relief of L. W. Gentry, former Treasurer of County School Funds of Lawrence County, Alabama;

and to authorize and direct the County Governing Body of Lawrence County to reimburse the said Gentry for premium on the official bond of the Treasurer of School Funds of said County for the year 1932, paid by the said Gentry.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LEGISLATION

Notice is hereby given that a bill will be introduced in the Legislature during the special session called by Governor Graves, on the 12th day of February, 1936, for relief of L. W. Gentry for money paid out by him for the premium on board of former treasurer of Lawrence County school funds, which money has been paid to the Lawrence County Board of Education.

J. D. L. BYARS.

C
O
P
Y

Clark Hodgins, Editor and Owner

Telephone No. 7

THE MOULTON ADVERTISER
Lawrence County's Official News Paper
(Established in 1828)

Publishers and Commercial Printing
MOULTON, ALABAMA

Moulton, Ala., 3-17 1936

The State of Alabama,
Lawrence County.

Before me R. C. Jackson a Notary Public in and for said state and county, on this day personally appeared Clark Hodgins, who being sworn in due form of law says, that he is Editor of The Moulton Advertiser, a weekly news paper published in Moulton, Lawrence County, Alabama, and as such Editor he published in said newspaper the attached notice for 4 consecutive weeks beginning Feb. 20, 1936, and ending Mar. 12, 1936, as required by law.

CLARK HODGINS, Editor.

Sworn to and subscribed before me this the 17 day of March, 1936
R. C. JACKSON, Notary Public.

AIS

Also:

By Mr. Welch:

H. 317. To better provide for the prosecution and suppression of crime in all counties of this State which now have according to the last federal census a population of 300,000 or more or which may hereafter have such population by any such federal census hereafter taken, requiring all solicitors, assistant solicitors, deputy solicitors and assistant deputy solicitors or any persons who prosecute for the State to devote their entire time to the study and prosecution of crime and to prohibit all such persons from practicing law other than in the discharge of their official duty.

Also:

By Mr. Castleberry:

H. 342. To prohibit and make it unlawful for the Town Council or other governing body of the Town of Castleberry, Alabama to make any contract with or grant any franchise to any public utility company, individual, firm or corporation respecting the furnishing of electricity to the citizens of said town or to the town itself, or to renew or extend any such existing contract without first being authorized to do so by the majority of the votes to be cast in an election to be held in which the proposition shall be voted upon.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The following local bill, in substance, will be introduced and its passage sought at the present special session of the Alabama legislature:

A bill to be entitled an act to prohibit and make it unlawful for the present or future governing body of the Town of Castleberry to make any contract with, or grant any franchise to, any public utility company, respecting the furnishing of electricity to the citizens of said town, to the town itself, or to renew or extend any such existing contract, without first being authorized so to do by the majority of the votes cast in an election to be held in which the proposition shall be voted upon.

STATE OF ALABAMA }
CONECUH COUNTY }

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 27th, day of Feb. 1936, and ending on the 19th day of March, 1936.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 19th, day of March 1936.

CATHERINE D. STALLWORTH,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committee as follows:

House bills 317, 340, 342 and 343, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 63. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Senate concurred in the following amendment by the House to S. No. 63, the title of which is set out in the foregoing Message from the House, to-wit:

To amend Senate Bill No. 63 sections No. 15 and 21 by striking therefrom the numerals "1935" as they appear therein and substituting therefore the numerals "1936."

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Russell	Taylor
Carlton	Locke	Simpson	Thomas
Chesnut	Mixon	Starnes	Tucker
Dorsey	Mooneyham	Stephens	Walden
Fletcher	McDowell	Stoddard	Weaver
Glover	Rogers (Mobile)	Swift	Woodall

—24

Nays:—None.

BILLS ON THIRD READING RESUMED

The bill:

H. 70. To Amend Section 4589 of the 1923 Code of Alabama. Relates to a second or subsequent premium on insurance policies.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Browder	Frazer	Kuykendall	McDowell
Carlton	Glover	Locke	Parrish
Chesnut	Goldsmith	Mixon	Russell
Dorsey	Kelly	Mooneyham	St. John

Simpson
Starnes
Stephens
Stoddard

Swift
Taylor
Thomas

Tucker
Walden
Walton

Weaver
Wellborn
Woodall

—29

Nays:—None.

The bill:

S. 93. To require county governing bodies to advertise for bids for road material and road machinery and to require the purchase thereof from the lowest bidder.

Was taken up.

Mr. Walton offered the following substitute for said bill to-wit:
Substitute for S. 93:

A BILL

To be entitled An Act to require county governing bodies to advertise for bids for road material and road machinery, and to require the purchase thereof from the lowest bidder.

Be it enacted by the Legislature of Alabama:

Section 1. That the words "county governing body" as used in this Act shall mean and include Courts of County Commissioners, Boards of Revenue, County Commissions and all other governing bodies of Counties in the State of Alabama, as well as persons authorized to make purchases for any County in the State of Alabama.

Section 2. The words "road material" used in this Act shall include sand, gravel, cement, paving material of every kind and character, nature and description, and any and all material used in the construction, repair or maintenance of roads, bridges, culverts, under-passes and over-passes.

Section 3. The words "road machinery" as used in this Act shall include every machine and implement of any kind, character, nature and description, used in connection with the construction, repair or maintenance of any road, bridge, culvert, under-pass or over-pass in the State of Alabama.

Section 3½. The word "purchase" as used in this Act shall include a contract to purchase, a lease, option or privilege to purchase, or any arrangement for the possession or use of road material or road machinery.

Section 4. That it shall be unlawful for any county governing body to purchase or to contract for the purchase of any road material or road machinery, without first advertising in some newspaper of general circulation in the County, by one insertion in said newspaper and for a period of ten days before the day for the opening of said bids, calling for bids, which advertisement shall contain the specifications of the material or machinery it is pro-

posed to purchase, as well as the number and quantity or amount, and shall state with reasonable certainty the period of time within which the same is to be delivered and the place of delivery; provided further that on the same day on which said advertisement for bids appears in the newspapers, the county governing body shall send requests for bids to at least three manufacturers, their agents or representatives, manufacturing or selling or handling the products to be bought, and such requests shall be sent by registered mail with request for return receipts, and said registry return receipts shall be filed in the records of said county governing body.

Section 5. That all bids shall be submitted in writing and opened at a regular meeting of the county governing body on a day fixed by it and specified in the advertisement calling for bids, the day so fixed shall not be less than ten days from the date of the advertisement in a newspaper, mentioned in Section 4 of this Act. Each bid shall be a sealed bid and shall be opened at said meeting; which meeting shall be a public meeting and the contract for the purchase of road material or road machinery shall be let to the lowest bidder, unless all bids are rejected, which may be done and new bids called for; in which event, new bids must be submitted in the same way and manner as the original bid, and on every bid submitted by a bidder, a factory price list of all machinery, including parts of machinery, shall be filed and made a part of each bid. All advertisements for bids shall contain a provision that the county governing body reserves the right to reject any and all bids.

Section 6. It shall be unlawful for any custodian of county funds to pay for any road material or any road machinery purchased contrary to the provisions of this Act.

Section 7. This Act shall not apply to the purchase of road material where the amount involved is not more than Two Hundred Fifty & No/100 Dollars (\$250.00) in value.

Section 8. Any violation of this Act shall constitute a misdemeanor, punishable by a fine not exceeding one thousand dollars or by imprisonment at hard labor for not exceeding twelve months, one or both, at the discretion of the court that tries the case.

Section 9. In any indictment for the purchase of road material or road machinery contrary to the provisions of this Act, it shall be sufficient to allege that the defendant purchased, or aided or abetted in the purchase of road material or road machinery contrary to law. And in any indictment for paying for road material or road machinery purchased contrary to the provisions of this Act, it shall be sufficient to allege that the defendant, a custodian of County funds, unlawfully paid County funds for road material or road machinery purchased contrary to law.

Section 10. Any member of any County governing body who votes or gives his consent to the purchase of road material or road machinery contrary to law shall be deemed to have aided or abetted in the purchase of road material or road machinery contrary to law, if the same is purchased contrary to the provisions of this Act.

Section 11. This Act shall take effect upon its approval by the Governor and all laws and parts of laws in conflict herewith are hereby specially repealed.

Section 12. If any section, paragraph or provision of this Act is declared unconstitutional, such holding shall not affect any other section, paragraph or provision not in itself unconstitutional.

Mr. Kelly offered the following amendment to said substitute to-wit:

Amend Section 4 of substitute to Senate Bill 93 by adding immediately after the word "machinery" in the third line thereof the following: "except in cases of fire, flood or other similar emergencies."

Amend Section 7 of substitute to Senate Bill 93 by adding to said section the following: "or in cases of fire, flood or other similar emergencies."

Which was adopted.

Mr. Starnes offered the following amendment to said substitute to-wit:

Amend substitute to Senate Bill No. 93 by adding thereto the following:

Provided that this law shall not affect any existing local law.

Which was adopted.

And said Walton substitute, as thus amended, was then adopted.

Yeas, 24; Nay, 1.

Yeas:

Messrs.:

Browder
Carlton
Chesnut
Dorsey
Glover
Kelly

Kuykendall
Locke
Mixon
Mooneyham
McDowell
Parrish

Rogers (Mobile)
Russell
St. John
Starnes
Stephens
Stoddard

Swift
Taylor
Thomas
Walden
Walton
Weaver

—24

Nay: Mr. Woodall

—1

And said bill, as thus amended, was read a third time at length and lost by failure to receive the required Constitutional majority.

Yeas, 15; Nays, 12.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Walden
Chesnut	Locke	Simpson	Walton
Dorsey	Parrish	Starnes	Weaver
Goldsmith	Rogers (Mobile)	Swift	

—15

Nays:

Messrs.:

Carlton	Mixon	St. John	Taylor
Glover	Mooneyham	Stephens	Thomas
Kelly	McDowell	Stoddard	Woodall

—12

PAIR ANNOUNCED

Mr. Wellborn announced that he and Mr. Bonner were paired on this vote; that Mr. Bonner, if present, would vote "no", and he, Mr. Wellborn would vote "aye."

The bill:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to said bill to-wit:

Amend S. B. 125, Section 4 (d) by striking therefrom the word "January" and inserting in lieu thereof the word "June."

On motion of Mr. Stephens, said amendment was laid on the table.

Mr. Stephens then offered the following amendment to said bill to-wit:

Amend Sec. 4 (d) of S. B. 125 to read as follows:

Section 4 (d). "Contributions by Employees." Each employee shall contribute to the fund one per centum of his wages earned after July first, 1936 and after the date as of which the conditions determining whether or not his employer is or will be subject to the Act has been fulfilled. Each employer shall be responsible for withholding such contribution from the wages of his employees, shall show such deduction on his payroll and records, and shall transmit all such contributions to the fund pursuant to general Commission rules.

Mr. Swift offered the following amendment to the amendment of Mr. Stephens to-wit:

Amend the amendment by Mr. Stephens to S. B. 125 by changing July 1st 1936 to May 1st 1936.

Which was adopted.

Yeas, 17; Nays, 10.

Yeas:

Messrs.:

Carlton	Mixon	Stoddard	Walden
Dorsey	McDowell	Swift	Weaver
Frazer	Parrish	Thomas	Wellborn
Glover	Rogers (Mobile)	Tucker	Woodall
Goldsmith			

—17

Nays:

Messrs.:

Browder	Locke	Simpson	Stephens
Chesnut	Mooneyham	Starnes	Taylor
Fletcher	St. John		

—10

The question then recurred on the amendment offered by Mr. Stephens, as amended by the amendment of Mr. Swift, and said amendment as thus amended was adopted.

Yeas, 23; Nays, 3.

Yeas:

Messrs.:

Browder	Glover	St. John	Tucker
Carlton	Goldsmith	Simpson	Walden
Chesnut	Mixon	Starnes	Weaver
Dorsey	McDowell	Stephens	Wellborn
Fletcher	Parrish	Stoddard	Woodall
Frazer	Rogers (Mobile)	Thomas	

—23

Nays: Messrs. Locke, Mooneyham and Taylor

—3

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; Nays, 4.

Yeas:

Messrs.:

Browder	Mooneyham	Starnes	Tucker
Carlton	McDowell	Stephens	Walden
Chesnut	Rogers (Mobile)	Stoddard	Weaver
Glover	Russell	Swift	Wellborn
Kuykendall	St. John	Thomas	Woodall
Mixon	Simpson		

—22

Nays: Messrs. Dorsey, Locke, Parrish and Taylor

—4

The bill:

S. 101. Providing for interest rates, collection charges and attorney's fees on loans not exceeding \$1,000.00 and payable in installments; and to repeal all laws and parts of laws, general, special, local and private, in conflict with the provisions of this act.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill to-wit:

Substitute for S. 101:

A BILL

To be entitled An Act providing for interest rates, collection charges and attorney's fees on loans not exceeding \$200.00 and payable installments; and to repeal all laws and parts of laws, general, special, local and private, in conflict with the provisions of this act.

Bt it enacted by the Legislature of Alabama:

Section 1. That any individual, firm, corporation, or banking association shall have the right to make loans in amounts not exceeding \$200.00 for a term not exceeding one year from the date of such loan, and deduct in advance as discount on making such loan interest at the rate of not exceeding eight per cent per annum for a full year on the entire amount of such loan, and require such loan to be repaid in monthly or other installments, and it shall be valid to stipulate that, if any such borrower shall fail to pay any installment when due, then at the option of the owner of such promissory note the entire balance remaining unpaid shall become due and payable.

Section 2. That it shall be valid to provide in promissory notes evidencing such loans for the payment by the maker of said notes of reasonable attorney's fees and costs of collection upon failure of the maker to repay the loan, or any installment due thereon, at maturity.

Section 3. That no loan made in the manner herein authorized shall be treated or considered as a loan made at a usurious rate of interest.

Section 4. That all laws and parts of laws, general, special, local and private, in conflict, with the provisions of this act are hereby repealed.

Section 5. That this act shall become effective upon its becoming a law.

Which was adopted.

Yeas, 23; Nays, 6.

Yeas:

Messrs.:

Browder	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Weaver
Frazer	Parrish	Stoddard	Wellborn
Kelly	Rogers (Mobile)	Swift	Woodall
Kuykendall	Russell	Taylor	

—23

Nays:

Yeas:

Carlton	Glover	St. John	Thomas
Fletcher	Goldsmith		

—6

And said bill, as thus amended, was read a third time at length and lost by failure to receive the required constitutional majority.

Yeas, 18; Nays, 12.

Yeas:

Messrs.:

Browder	Glover	Russell	Swift
Chesnut	Kuykendall	Simpson	Tucker
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Rogers (Mobile)		

—18

Nays:

Messrs.:

Carlton	Locke	St. John	Thomas
Goldsmith	Mixon	Starnes	Walden
Kelly	Parrish	Taylor	Woodall

—12

The bill:

S. 124. To amend Section 31 of an Act entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to

authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds, and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes", approved March 29, 1933, as amended, so as to permit the redemption of bonds with or without a premium, and so as to delete a portion of said section.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Rogers (Mobile)	Swift
Carlton	Kuykendall	Russell	Taylor
Chesnutt	Locke	St. John	Thomas
Dorsey	Mixon	Simpson	Tucker
Fletcher	Mooneyham	Starnes	Walden
Frazer	McDowell	Stephens	Weaver
Glover	Parrish	Stoddard	Woodall
Goldsmith			

—29

Nays:—None.

The bill:

H. 199. To amend Section 2 of Article 2 of an Act of the Legislature of Alabama approved October 28, 1932, entitled "An Act defining contract carriers and common carriers by motor vehicle not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize, regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to

provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act;" and to exempt motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school or while being used for any school purpose or any public or community purpose at the direction of or by authority of the superintendent of education having supervision over the school or schools regularly served by such motor vehicles from any license tax or registration fee as a contract carrier or common carrier or jitney bus, and to make provision for special license tags to be provided at state expense for such motor vehicles; and to exempt from the provisions of said Act approved October 28, 1932, all motor vehicles while engaged exclusively in hauling Agricultural products, Dairy products, Livestock and Forest products from any point of loading to any point of unloading, where the distance from point of loading to point of unloading is not over one hundred miles measured by the route over which said products are hauled.

Was taken up.

The Standing Committee on Revision of Laws reported the following amendment to said bill, to-wit:

Amend H. B. 199 by substituting the words "fifty miles" for the words "one hundred miles" wherever they appear together in the bill.

Amend H. B. No. 199 by striking therefrom Sub-section 3 of section 2, and substitute in lieu thereof the following:

3. All motor vehicles while returning from any point of unloading to any point of loading, where the distance between such points is not over fifty miles whether such motor vehicles be on such return trip empty, or loaded with any kind, or character, or personal property.

Mr. Taylor offered the following amendment to the Committee amendment to-wit:

Amend amendment to House Bill No. 199 by substituting the words and figures 100 miles for the words and figures 50 miles where same appear together in said amendment.

On motion of Mr. McDowell, said amendment was laid on the table.

Yeas, 16, Nays, 13.

Yeas:

Messrs.:

Browder	Glover	McDowell	Stoddard
Carlton	Goldsmith	Rogers (Mobile)	Tucker
Fletcher	Kelly	Russell	Walden
Frazer	Mooneyham	Stephens	Woodall

—16

Nays:

Messrs.:

Chesnut	Mixon	Simpson	Taylor
Dorsey	Parrish	Starnes	Thomas
Kuykendall	St. John	Swift	Weaver
Locke			

—13

Mr. Browder offered the following amendment to said committee amendment to-wit:

To amend the committee amendment to H. 199 by inserting the words and figures "Any where in the State of Alabama" for the words and figures fifty (50) miles wherever they occur.

Mr. McDowell moved to table the amendment offered by Mr. Browder which motion was lost.

Yeas, 13; Nays, 16.

Yeas:

Messrs.:

Carlton	Kelly	Russell	Tucker
Frazer	Mooneyham	Starnes	Walden
Glover	McDowell	Stoddard	Woodall
Goldsmith			

—13

Nays:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Swift
Chesnut	Locke	St. John	Taylor
Dorsey	Mixon	Simpson	Thomas
Fletcher	Parrish	Stephens	Weaver

—16

On motion of Mr. Browder said bill and the pending amendments were re-referred by the President of the Senate to the Standing Committee on Revision of Laws.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the seventeenth Legislative

day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the seventeenth Legislative day approved by the Senate.

ADJOURNMENT

At 1:40 P. M., on motion of Mr. Dorsey and in accordance with joint resolution heretofore adopted, the Senate adjourned until Tuesday, March 31st, 1936, at 10 A. M.

EIGHTEENTH DAY

Tuesday, March 31st, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by H. G. Ernest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Glover	Riddle	Thomas
Browder	Goldsmith	Rogers (Mobile)	Tucker
Carlton	Kelly	Russell	Walden
Chesnut	Kuykendall	Simpson	Walton
Cook	Locke	Starnes	Weaver
Dorsey	Mooneyham	Stoddard	Wellborn
Fletcher	McDowell	Swift	Woodall
Frazer	Parrish	Taylor	

—31

JOURNAL

On motion of Mr. Mooneyham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Walton:

S. 173. To amend Section 6771 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama entitled "An Act to amend Section 6771 of the Code of Alabama of 1923", approved July 31, 1931.

Committee on Revision of Laws.

By Mr. Walton:

S. 174. To validate and ratify allowances made to members of Courts of County Commissioners and Boards of Revenue prior to the approval of this Act for performance of their duties with respect to roads, bridges and public works.

Committee on Finance and Taxation.

By Mr. Walton:

S. 175. To provide for the exemption from taxation of property owned by educational institutions located in the State of Alabama, where the income therefrom is used exclusively for educational purposes, by extending the provisions of House Bill 479—West, Acts of the Legislature, 1932, approved October 22, 1932.

Committee on Finance and Taxation.

By Mr. Thomas:

S. 176. To repeal an Act, entitled "An Act To amend Section 334, Schedule I, Subsection 31, of the Compiled Revenue Code of Alabama, and the Act approved July 22, 1927, entitled "In reference to and to further provide for the general revenue of the State of Alabama and published as Section 19, at page 160, of the Acts of 1927, as further amended by an act approved July 30, 1931, entitled "an Act to amend Section 19 of the Revenue Act of 1927," which said amendment appears at page 812 of the published General Acts of Alabama of 1931, by exempting from the privilege or license tax for the operation of automotive vehicles imposed by said revenue law all passenger vehicles owned and operated by the Federal Government or by officers and enlisted men actually serving in the United States Army who are assigned by the War Department as Instructors and/or Sergeant-Instructors with the National Guard of Alabama and all commissioned officers of the Active National Guard of Alabama. Approved September 14, 1935.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mooneyham:

S. 142. To provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this Amendment is proposed, An Amendment to the Constitution of Alabama whereby the County of Montgomery in the State of Alabama may levy and collect a Special County Tax not exceeding 30 cents on each one hundred dollars of taxable property in such county, in addition to that now authorized or that may hereafter be authorized for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 1 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such County and voted for by a majority of those voting at such election.

The above bill was read a second time at length as required by the Constitution.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Todd:

H. 123. To amend an act entitled "An Act to amend Sections II, III, V, and VI of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof,' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

By Mr. Castleberry (with notice and proof):

H. 342. To prohibit and make it unlawful for the Town Council or other governing body of the Town of Castleberry, Alabama to make any contract with or grant any franchise to any

public utility company, individual, firm or corporation respecting the furnishing of electricity to the citizens of said town or to the town itself, or to renew or extend any such existing contract without first being authorized to do so by the majority of the votes to be cast in an election to be held in which the proposition shall be voted upon.

By Mr. Mixon (with notice and proof):

S. 168. To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of Franklin County, Alabama.

By Mr. Byars (with notice and proof):

H. 340. To provide for the relief of L. W. Gentry, former Treasurer of County School Funds of Lawrence County, Alabama; and to authorize and direct the County Governing Body of Lawrence County to reimburse the said Gentry for premium on the official bond of the Treasurer of School Funds of said County for the year 1932, paid by the said Gentry.

By Mr. McDermott (with notice and proof):

H. 186. To validate and make a lawful debt of Mobile County, \$6385.00 in warrants heretofore issued by said county to the Mobile County Department of Public Welfare, and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

By Mr. Taylor (with notice and proof):

H. 222. To validate and make a lawful debt of Mobile County, \$8,400.00 in warrants heretofore issued by said county to Headquarters Special Troops 31st Infantry Division, Alabama National Guard and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

By Mr. Hall (with notice and proof):

H. 343. To authorize and empower the Commissioners Court of Greene County, Alabama to appropriate a sum not to exceed Two Hundred Dollars per annum out of the General Fund of Greene County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill, and finds same correctly engrossed, to-wit:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

Vernon L. St. John,
Chairman.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 201. To require one-third of the tax now levied and collected on gasoline, Woco-Pep, or other substitutes therefore, by the Board of County Commissioners of Madison County, Alabama, under authority of an Act of the Legislature approved September 20, 1923, and amendments thereto, to be used for the purpose of creating a sinking fund for the retirement of One hundred thousand (\$100,000.00) Dollars in bonds (authorized by an election held in said County on May 9, 1921), and the payment of interest on same, to be issued by Madison County, Alabama, for the purpose of constructing and improving roads in said County; to require the County Board of Commissioners, or like governing body, of said County, to set aside said funds for said purpose; to fix the date on which said payments into such sinking fund shall begin; authorizing the

Board of County Commissioners, or like governing body, of said County to purchase and retire before maturity said bonds, or any portion thereof with said funds so set aside; and providing that upon final payment of said bonds with interest, and the retirement of same, all such payments into such sinking fund so created shall cease.

Also:

H. 202. To prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile or other conveyance, or motor fuel or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any article by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Also:

H. 238. To repeal a Local Act of the Legislature of Alabama approved September 13, 1935, entitled, "An Act, to establish a Board of Revenue for Marshall County, Alabama, to fix the number of members thereof and to fix the districts of said Board; to relieve the Judge of Probate of his duties as Chairman of the Board of Revenue; to provide for the appointment and election of the members of said Board; to fix their duties, powers, compensation and terms of office; to provide for the appointment and election of a Chairman thereof; and fix his duties, powers, compensation and the term of office; to provide for the selection and appointment of a bookkeeper-clerk for said Board, and to fix his term of office, powers, duties and compensation, and provide for its payment and to provide for the appointment of a County Engineer; to fix his duties, and the term of his office and his powers and to provide for his compensation and to provide that all laws or parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Also:

H. 290. To permit moving picture shows on Sunday, whether admission is charged therefor or not, in the City of Guntersville, Alabama, and within the police jurisdiction thereof.

Also:

H. 291. To alter the corporate limits of the City of Guntersville, Marshall County, Alabama, and to rearrange and define the boundaries thereof.

Also:

H. 293. To Authorize and Empower the Board of Revenue of Shelby County, Alabama, to use so much of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", and as further provided for in Article 8, Chapter 4, and by Schedule 156.1 of said Act, "imposing an excise tax on every distributor, refiner, retail dealer, or storer of gasoline,—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any provisions thereof", which is to be paid to Shelby County, Alabama, under the provision of Schedule 156.9, as provided for in Article 8, Chapter 4, of an Act of the Legislature of Alabama, approved July 10th, 1935, and entitled, "An Act to Provide for the General Revenue of the State of Alabama", being House Bill No. 324, for the purpose of paying the compensation of such members of the Board of Revenue of Shelby County, Alabama, while acting as road supervisors in said County for their respective districts, as now provided by law, and to authorize the County Treasurer of Shelby County, Alabama, to immediately upon the passage and approval of this Act to set aside a sufficient sum of said gas tax to be used for the payment of the compensation provided for in Section 1 of this Act.

Also:

H. 296. To establish a Court of County Commissioners for Marshall County, Alabama, in lieu of the Board of Revenue as now provided by law for said County; to fix the number of members thereof, and to prescribe the districts of said Court, to provide for the appointment and election of the members of said Court, to fix their duties, powers, compensation and terms of office; to provide that the Judge of Probate of Marshall County, Alabama, shall be the Ex-Officio Judge and Chairman of said Court; to fix his powers, duties and compensation, and provide for its payment and provide that all laws and parts of laws, both general and special, in conflict with the provisions of this Act be, and the same are hereby repealed, and to provide when said Act shall go into effect.

Also:

H. 301. For the relief of Thomas W. Jones, formerly Probate Judge of Madison County, Alabama.

Also:

H. 302. To amend an Act entitled an Act, To fix the salary of the Judge of Probate in all counties in this State which may

hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges and courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read a length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 127. To regulate the office of the sheriff of Tuscaloosa County, Alabama; to exempt the sheriff of said County from court costs; to fix the compensation or salary to be paid the sheriff of Tuscaloosa County, Alabama, and to regulate the payment of the same; to fix the number and compensation of the sheriff's deputies, guards, jailers, and other employees of the sheriff; to require the deputy sheriffs and special deputy sheriffs of said sheriff to execute official bonds conditioned, payable and approved as the bond of the sheriff; to exempt the sheriff of said County from liability for the acts of the deputies, except in certain cases; to provide for the appointment of special deputies; to provide for the payment of the premium on the sheriff's and all deputies' bonds out of the County Treasury; to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the County Treasury, including fees for

feeding prisoners, to be paid into the general fund of said County; to provide for the payment of the expenses of the office of said sheriff, including the costs of supplying and maintaining automobiles used by said sheriff in his official business, and authorizing the Board of Revenue to appropriate the necessary money for such expenses, and to regulate the expenditure of same; authorizing the sheriff of said County to employ an attorney to advise and represent him, whose compensation is to be fixed by the Board of Revenue and paid out of the County Treasury; abolishing in so far as it relates to Tuscaloosa County, Alabama, sheriff's fees provided for in Section 6717 of the Code of Alabama, 1923, and providing that the sheriff of said County shall furnish bailiffs required in Section 6716 of the Code of Alabama, 1923; to provide that said County shall not be liable for the acts or omissions of said sheriff or any of his deputies, guards, jailers or other employees; to repeal all laws and parts of laws which, as applied to Tuscaloosa County, Alabama, are in conflict with the provisions of said Act; and providing when and how said Act shall become effective.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 63. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Messrs. Almon and Burleson:

H. 303. To provide for the transfer of all cases pending on the docket of the Inferior Court in Precinct No. 10, Morgan County, Alabama, prior to June 15, 1935, to the Justice Courts in and for Precinct 10 of Morgan County, Alabama; and to further provide for the issuance of writs or executions, writs of venditioni exponas and other processes on judgments rendered by the Inferior Court in Precinct No. 10, Morgan County, Alabama, June 15, 1935.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the present extra session of the Legislature of Alabama the following local bill will be introduced:

AN ACT

An act to provide for the transfer of all cases pending on the docket of the Inferior Court in Precinct No. 10, Morgan County, Alabama, prior to June 15, 1935, to the Justice Courts in and for Precinct 10 of Morgan County, Alabama; and to further provide for the issuance of writs of execution, alias writs of execution, writs of venditioni exponas and other processes on judgments rendered by the Inferior Court in Precinct No. 10, Morgan County, Alabama, June 15, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That all cases pending on the docket of the Inferior Court in Precinct No. 10, Morgan County, Alabama, prior to June 15, 1935, be, and the same are hereby transferred to the docket of any Justice Court or to the docket of any Notary Public with power of a Justice of the Peace in said Precinct No. 10, Morgan County, Alabama, at the election of the plaintiff, who shall manifest his election by filing a written statement of his intention to transfer the pending cause to the docket of the said court which he elects.

Section 2. That upon the filing by the plaintiff of the aforesaid written statement of his intention to transfer said pending cause from the docket of the Inferior Court in Precinct No. 10, in Morgan County, Alabama, to the court in which said written statement is filed, the Justice of the Peace or the Notary Public, with power of a Justice of the Peace, shall enter said cause upon the docket of his court and proceed to try said cause as if it had been filed originally in his court.

Section 3. That any Justice of the Peace or Notary Public with powers of a Justice of the Peace in Precinct No. 10 in Morgan County, Alabama, may issue writs of execution, alias writs of execution, writs of venditioni exponas and other processes on judgments rendered by the Inferior Court in Precinct No. 10, Morgan County, Alabama, prior to June 15, 1935.

Section 4. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Section 5. That this act shall become effective immediately upon its approval by the Governor.

F. E. Burleson,
T. C. Almon.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA, }
MORGAN COUNTY. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is the editor and publisher of the Hartselle Enquirer, a weekly newspaper published at Hartselle, in Morgan County, Alabama, and of general circulation in said county; that the attached notice was published 4 consecutive times in said Hartselle Enquirer, beginning with the issue of Feb. 20-27, March 5-12, 1936.

D. K. Wiggins,
Publisher Enquirer.

Subscribed and sworn to before me, this 12th day of March, 1936.

T. B. Glasscock,
Notary Public.

Printers fee \$18.22.

Also:

By Messrs. Almon and Burleson:

H. 304. To relieve all persons in Morgan County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation, to work on the public roads in Morgan County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the present extra session of the Legislature of Alabama the following local bill will be introduced:

AN ACT

To relieve all persons in Morgan County, Alabama, of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such obligation, to work on the public roads in Morgan County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That all persons in Morgan County, Alabama, shall be relieved of any legal obligation to work on the public roads in said county, or to pay any money in lieu of such legal obligation to work on the public roads in Morgan County, Alabama.

Section 2. That all laws, both general and local, in conflict with the provisions of this act, be and the same are hereby repealed.

Section 3. That this act shall take effect upon its approval by the Governor.

T. C. Almon,
F. E. Burleson.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA, }
MORGAN COUNTY. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is the editor and publisher of the **Hartselle Enquirer**, a weekly newspaper published at Hartselle, in Morgan County, Alabama, and of general circulation in said county; that the attached notice was published 4 consecutive times in said **Hartselle Enquirer**, beginning with the issue of Feb. 20-27, March 5-12, 1936.

D. K. Wiggins,
Publisher Enquirer.

Subscribed and sworn to before me, this 12th day of March, 1936.

(Seal)

Ruby L. Martin,
Notary Public.
Printers fee \$7.33.

Also:

By Mr. Boswell:

H. 369. To amend Section Two of an Act of the Local Legislature of 1931 to provide for the election of a County Superintendent of Education for Geneva County, Alabama, and to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The following bill will be introduced for passage during the present extraordinary session of the Legislature.

AN ACT

To amend Section Two of an Act of the Legislature of 1931 to provide for the election of a County Superintendent of Education for Geneva County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, duties, and to provide for the election of his successor in office.

Be it enacted by the Legislature of Alabama:

That Section Two of an Act entitled an Act to provide for the election of a County Superintendent of Education for Geneva County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office, approved February 5, 1931, be amended so as to read as follows:

SECTION TWO: That immediately after the passage of this Act a special election shall be called by the Probate Judge of Geneva County, Alabama, and held in Geneva County, Alabama, the expenses thereof to be paid out of the General Fund of said County, for the purpose of electing a County Superintendent of Education for said County, by the qualified electors thereof, who shall assume the duties of his office July 1, 1931, and shall hold office until his successor is elected and qualified, at the general election to be held, on the second Tuesday in November, 1934, at which time his successor in office shall be elected, and thereafter the Superintendent of Education of Geneva County shall be elected quadrennial, and hold office for a term of four years from the first day of July next after his election, unless

removed for good cause, nominations for this office shall be made in the primary election as provided for other county offices.

E. C. Boswell.

adv. c feb. 27, Mch. 5-12-19

STATE OF ALABAMA }
GENEVA COUNTY. }

I. H. G. Wilkinson, Editor and Proprietor of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Alabama, do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of 4 consecutive weeks, commencing Feb. 27, 1936 and ending March 19, 1936.

WITNESS my hand this 19th day of March, 1936.

H. G. Wilkinson.

Sworn to and subscribed before me this 19th day of March, 1936.

W. R. Draughon,
Register in Court of Equity.
Printers fee \$14.44

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House bills 303, 304 and 369, to the Committee on Local Legislation.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report to-wit:

S. R. 40. Requesting an advisory opinion from the Supreme Court as to whether or not local bills such as S. B. 45 and H. B. 203 of the Present Session of the Legislature, and similar bills now pending in the House and Senate are so worded as to be deemed as directing funds derived from gasoline taxation levied for road purposes within the meaning of the Act of Congress known as the Hayden-Cartwright Act.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

CALENDAR BILL RE-REFERRED

On motion of Mr. Wellborn, the bill:

S. 27. To amend Section 344 Sub-section (a) of Article 10 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

BILLS ON THIRD READING

The bill:

H. 261. To authorize the State, through the State Docks Commission, to acquire, own, lease, operate, locate, install, construct, acquire, lease, own, hold, maintain, control and operate at seaports a line of terminal railroads with necessary sidings, turn outs, spurs, branches, switches, yard tract, bridges, trestles, and causeways and in connection therewith or appurtenant thereto shall have the further right to lease, install, construct, acquire, own, maintain, control and use any and every kind or character of motive power and conveyances or appliance necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances; and provided the State shall have no power or authority to operate tug or pilot boats.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Russell	Tucker
Browder	Glover	Simpson	Walden
Carlton	Kelly	Starnes	Walton
Chesnut	Locke	Stoddard	Weaver
Cook	McDowell	Swift	Wellborn
Dorsey	Parrish	Taylor	Woodall
Fletcher	Rogers (Mobile)	Thomas	

—27

Nays:—None.

The bill:

H. 58. To define turpentine gum (oleoresin) and the products as processed therefrom by the original producers as agricultural commodities and agricultural farm products.

Was taken up.

Mr. Rogers of Mobile offered the following amendment to said bill to-wit:

Amend H. B. 58 by adding after the words "and the following products as processed by" and before the words "the original producers" the following:

"or for the account of"

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Thomas
Browder	Glover	Rogers (Mobile)	Tucker
Carlton	Goldsmith	Russell	Walden
Chesnut	Kelly	Starnes	Walton
Cook	Locke	Stoddard	Weaver
Dorsey	McDowell	Swift	Wellborn
Fletcher	Parrish	Taylor	Woodall

—28

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Goldsmith	Russell	Tucker
Carlton	Kelly	Simpson	Walden
Chesnut	Locke	Starnes	Walton
Cook	McDowell	Stoddard	Weaver
Dorsey	Parrish	Swift	Wellborn
Fletcher	Riddle	Taylor	Woodall
Frazer			

—29

Nays:—None.

The bill:

S. 159. To dispose of the fine and forfeiture fund in Choctaw County, Alabama, and to legalize all claims against such fund regardless of their date; to designate the claims against such fund; to provide the payment of all claims which are by law a charge against said fund as preferred claims.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Tucker
Carlton	Locke	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Frazer	McDowell	Stoddard	Weaver
Glover	Parrish	Swift	Wellborn
Goldsmith	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 260. To appropriate out of any monies collected as fees now or afterwards in possession of the Probate Judge of Mobile County \$150.00 per month and the pro-rata fractional part thereof, from November 20th 1935 to the date of the passage of this act, to the person who has been performing necessary work as an assistant tax redemption clerk in said Probate Court. Said sums to be in compensation for said services which have been rendered. To provide the method of payment thereof. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Tucker
Carlton	Locke	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Frazer	McDowell	Stoddard	Weaver
Glover	Parrish	Swift	Wellborn
Goldsmith	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 259. To provide for additional clerks in the offices of the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County; to fix the method and basis of their appointment and compensation and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Tucker
Carlton	Locke	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stoddard	Weaver
Glover	Parrish	Swift	Wellborn
Goldsmith	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 247. To authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any other section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act."

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Tucker
Carlton	Locke	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stoddard	Weaver
Glover	Parrish	Swift	Wellborn
Goldsmith	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 227. To repeal an Act entitled "An Act To require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act"; approved March 8, 1933.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Tucker
Carlton	Locke	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stoddard	Weaver
Glover	Parrish	Swift	Wellborn
Goldsmith	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 221. To provide funds for the maintenance and operation of a County Health Department under direction of the County Health Officer of Mobile County; to repeal all laws in conflict herewith, and to fix the time when this act shall become effective.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Tucker
Carlton	Locke	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	McDowell	Stoddard	Weaver
Glover	Parrish	Swift	Wellborn
Goldsmith	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

RECESS

At 12:50 P. M., on motion of Mr. Rogers of Mobile the Senate took a recess until 2:30 this afternoon.

EIGHTEENTH DAY—AFTERNOON SESSION

Tuesday, March 31st 1936.

The Senate re-assembled at 2:30 P. M., President Pro Tem Riddle Presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Glover	Riddle	Thomas
Browder	Goldsmith	Rogers (Mobile)	Tucker
Carlton	Kelly	Russell	Walden
Chesnut	Kuykendall	Simpson	Walton
Cook	Locke	Starnes	Weaver
Dorsey	Mooneyham	Stoddard	Wellborn
Fletcher	McDowell	Swift	Woodall
Frazer	Parrish	Taylor	

—31

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Fletcher:

S. 177. To amend Sections 312 and 324 of the Code of Alabama 1923 relating to county depositories in lieu of County Treasurers.

Committee on Counties and County Boundaries.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Chichester:

H. 156. To authorize cities, towns and counties of Alabama to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time and referred to appropriate Standing Committee as follows:

H. B. 156, to the Committee on Municipalities.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 261. To authorize the State, through the State Docks Commission, to acquire, own, lease, operate, locate, install, construct, acquire, lease, own, hold, maintain, control and operate at seaports a line of terminal railroads with necessary sidings, turn outs, spurs, branches, switches, yard tract, bridges, trestles, and causeways and in connection therewith or appurtenant there to shall have the further right to lease, install, construct, acquire, own, maintain, control and use any and every kind of character of motive power and conveyances or appliance necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances; and provided the State shall have no power or authority to operate tug or pilot boats.

E. F. Taylor,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

RESOLUTIONS

Mr. Goldsmith offered the following joint resolution:

S. J. R. 41. BE IT RESOLVED BY THE SENATE OF ALABAMA, the House of Representatives concurring, that when the two Houses of the Legislature of Alabama adjourn today they adjourn sine die.

Which was read and referred to the Standing Committee on Rules.

The Rules Committee reported the following joint resolution:

S. J. R. 42. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Friday, April 3, 1936, at 10 o'clock A. M.

And on motion of Mr. Riddle, said report was concurred in and the Resolution adopted.

CALENDAR BILL RE-REFERRED

On motion of Mr. Fletcher, the bill and pending amendment:
S. 128. For the relief of tax payers permitting and authorizing the transfer of any tax claim held by the State of Alabama, any county, municipality or taxing district thereof and authorizing and directing the issue of certificates evidencing such transfers and securing to the owner or holder of such certificates the same liens for enforcing said tax claims as the State of Alabama or the county or municipality or taxing district had prior to said transfer by it and providing for the enforcement of said liens and collection of amounts paid for said certificates and costs for collecting the same and the release thereof.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Calhoun:

H. 122. To amend Section 9017 of the Code of Alabama of 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time and referred to appropriate Standing Committee as follows:

H. 122, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Quarles:

H. 63. To revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval For-

ces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time and referred to the appropriate standing committee as follows:

H. 63, to the Committee on Military.

BILLS ON THIRD READING

The bill:

H. 207. To provide for the taking of non-game fish in artificially impounded public waters lying within the boundaries of all counties of this State which now have or may hereafter have a population of not more than fifteen thousand according to the last or any subsequent Federal Census; to provide means and devices for taking the same in said waters; to provide for license for the use of said devices and the means of issuing and procuring the same; to provide for penalties for violating the provisions of this Act; to provide that all revenues derived from the provisions of this Act shall be remitted on the first day of each month to the Commissioner of Conservation of Game, Fish and Seafoods, which shall be by him paid into the Treasury of the State of Alabama to the credit of the Game and Fish Fund, and to provide when this Act shall become effective.

Was taken up.

Mr. Thomas moved that further consideration of said bill be postponed until the twenty-ninth Legislative day.

Mr. Cook moved to table the motion to postpone, which motion was lost and the Senate refused to table said motion to postpone.

Yeas, 12; Nays, 16.

Yeas:

Messrs.:

Browder

Cook

Fletcher

Goldsmith

Locke

Riddle

Russell

Simpson

Starnes

Swift

Walton

Weaver

—12

Nays:

Messrs.:

Bonner

Carlton

Dorsey

Frazer

Glover

Kelly

McDowell

Parrish

Rogers (Mobile)

Stoddard

Taylor

Thomas

Tucker

Walden

Wellborn

Woodall

—16

The question then recurred on the motion of Mr. Thomas, which motion prevailed and further consideration of said bill was postponed until the twenty-ninth Legislative day.

Yeas, 16; Nay, 12.

Yeas:

Messrs.:

Bonner

Carlton

Dorsey

Frazer

Glover

Goldsmith

Kelly

McDowell

Rogers (Mobile)

Stoddard

Taylor

Thomas

Tucker

Walden

Wellborn

Woodall

—16

Nays:

Messrs.:

Browder

Cook

Fletcher

Locke

Parrish

Riddle

Russell

Simpson

Starnes

Swift

Walton

Weaver

—12

The bill:

H. 178. To amend Schedule 158 of Chapter 6, Article 13 of "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was taken up.

Mr. McDowell offered the following amendment to said bill to-wit:

Amend H. 178:

By adding in Section 2 after the words "Totally wrecked" the following words "or completely junked."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Russell	Tucker
Browder	Glover	Simpson	Walden
Carlton	Locke	Starnes	Walton
Chesnut	McDowell	Stoddard	Weaver
Cook	Parrish	Taylor	Wellborn
Dorsey	Riddle	Thomas	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; *Nays*, 0.

Yeas:

Messrs.:

Bonner	Frazer	Rogers (Mobile)	Tucker
Browder	Glover	Simpson	Walden
Carlton	Goldsmith	Starnes	Walton
Chesnut	Locke	Stoddard	Weaver
Cook	Parrish	Taylor	Wellborn
Dorsey	Riddle	Thomas	Woodall

—24

Nays:—None.

The bill:

S. 147. Providing for and requiring each and every person, firm, association, partnership, agency, lessee, trustee or corporation engaged in the business of operating a motor vehicle for hire for the transportation of persons within the limits of a city or incorporated town, or within the police jurisdiction thereof, or between two cities or incorporated towns whose city limits adjoin, or within the police jurisdiction thereof, to post and file with the City Clerk of the city or incorporated town in which such business is carried on an indemnity bond or indemnity insurance policy for the protection of persons using such motor vehicles, and for the protection of the general public, against injury and damage to person and property proximately caused by the negligence of such person, firm, association, partnership, agency, lessee, trustee or corporation, or the servant, agent or employee of any of them, in the operation of such motor vehicle; making it unlawful to operate such motor vehicle without first filing such bond or policy and without the same being first approved by the City Clerk of the city or incorporated town in which such business is carried on, and without the same being maintained at all times; and to prescribe punishment and penalties for the violation of this Act.

Was taken up.

The Standing Committee on Municipalities reported the following amendment to said bill to-wit:

Amend Section 2 by inserting the words and figures \$2,000.00 where the words and figures \$5,000.00 now appear.

Which was adopted.

Yeas, 21; Nays, 1.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Thomas	
Browder	Locke	Rogers (Mobile)	Walden	
Carlton	Mooneyham	Russell	Walton	
Chesnut	McDowell	Starnes	Weaver	
Cook	Parrish	Taylor	Wellborn	
Dorsey				—21

Nay: Mr. Stoddard

—1

Mr. Simpson offered the following amendment to said bill to-wit:

Amend Senate Bill 147:

Add Section A: The provisions hereof shall not apply to vehicles operated under control and supervision of the Alabama Public Service Commission under certificates of Public Necessity and Convenience.

Which was adopted.

Yeas, 20; Nays, 2.

Yeas:

Messrs.:

Bonner	Fletcher	Rogers (Mobile)	Thomas	
Browder	Glover	Russell	Tucker	
Chesnut	Locke	Simpson	Walden	
Cook	Mooneyham	Starnes	Walton	
Dorsey	McDowell	Stoddard	Weaver	
				—20

Nays: Messrs. Parrish and Taylor

—2

And said bill, as thus amended, was read a third time at length and lost by failure to receive the required Constitutional majority.

Yeas, 15; Nays, 10.

Yeas:

Messrs.:

Carlton	Frazer	Parrish	Walden	
Chesnut	Glover	Rogers (Mobile)	Wellborn	
Cook	Locke	Swift	Woodall	
Dorsey	McDowell	Thomas		—15

Nays:

Messrs.:

Bonner	Simpson	Taylor	Walton	
Browder	Starnes	Tucker	Weaver	
Russell	Stoddard			—10

The bill:

S. 160. To amend Sections 2891 and 2892 of the Code of Alabama of 1923, relative to the practice of Optometry, and sections 2875 and 4387 of the Code of Alabama of 1923, relative to the practice of Optometry, as amended by the act of 1935, entitled "An Act to Amend Section 2874, 2875, 2880, 2885, 2886, 2888, 2889, 4387, 4389, and 4390, Code of Alabama of 1923, relative to the practice of Optometry."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 6.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Thomas
Browder	Glover	Russell	Walden
Carlton	Locke	Starnes	Walton
Chesnut	Mooneyham	Stoddard	Wellborn
Dorsey	McDowell	Taylor	Woodall
Fletcher	Parrish		

—22

Nays:

Messrs.:

Goldsmith	Simpson	Tucker	Weaver
Rogers (Mobile)	Swift		

—6

The bill:

S. 153. To amend Schedule 158.12 of Section 348 of an act of the Legislature of 1935 approved July 10, 1935, and entitled "An Act to provide for the general revenue of the State of Alabama".

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amend title of S. B. 153 by adding thereto the following immediately following the figures "348" where the same occur therein: viz

"And subsection (m) of Section 10".

Amend S. 153 by adding thereto the following section.

Section 2. That subsection (m) of Section 10 of said act be amended so as to read:

(m) All property brought into the State after the first day of October and before the assessor has completed his assessment, shall be subject to taxation the same as if it had been held or owned in the State on the first day of October except new motor vehicles in the hands of licensed dealers.

Which was adopted.

Yeas, 23; Nays, 2.

*Yeas:**Messrs.:*

Bonner	Frazer	Russell	Tucker
Browder	Locke	Simpson	Walden
Carlton	Mooneyham	Starnes	Weaver
Chesnut	McDowell	Stoddard	Wellborn
Cook	Parrish	Taylor	Woodall
Dorsey	Rogers (Mobile)	Thomas	

—23

Nays: Messrs. Goldsmith and Walton

—2

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; Nays, 1.

*Yeas:**Messrs.:*

Bonner	Locke	Simpson	Tucker
Browder	Mooneyham	Starnes	Walden
Carlton	McDowell	Stoddard	Walton
Chesnut	Parrish	Swift	Weaver
Cook	Rogers (Mobile)	Taylor	Wellborn
Dorsey	Russell	Thomas	Woodall
Fletcher			

—25

Nay: Mr. Goldsmith

—1

The bill:

S. 139. To amend Schedule 158.15 of Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 19; Nays, 1.

*Yeas:**Messrs.:*

Bonner	Goldsmith	Simpson	Walden
Browder	Locke	Starnes	Weaver
Chesnut	Mooneyham	Swift	Wellborn
Dorsey	Parrish	Taylor	Woodall
Glover	Russell	Tucker	

—19

Nay: Mr. Walton

—1

The bill:

S. 137. To amend Schedule 42 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 1.

*Yeas:**Messrs.:*

Bonner	Fletcher	Parrish	Walden
Browder	Frazer	Riddle	Walton
Carlton	Glover	Starnes	Weaver
Chesnut	Goldsmith	Swift	Wellborn
Cook	Mooneyham	Tucker	Woodall
Dorsey			

—21

Nay: Mr. Taylor

—1

The bill:

S. 64. To provide for the appointment by Circuit Judges of Court Bailiffs in all Circuits composed of more than one County and having two Circuit Judges and to provide for the compensation of such bailiffs.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 3.

*Yeas:**Messrs.:*

Browder	Kuykendall	Rogers (Mobile)	Tucker
Carlton	Locke	Starnes	Walden
Chesnut	Mooneyham	Swift	Weaver
Cook	Parrish	Taylor	Wellborn
Fletcher	Riddle	Thomas	Woodall
Glover			

—21

Nays: Messrs. Dorsey, Goldsmith and Walton

—3

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 127. To regulate the office of the sheriff of Tuscaloosa County, Alabama; to exempt the sheriff of said County from court costs; to fix the compensation or salary to be paid the sheriff of Tuscaloosa County, Alabama, and to regulate the payment of the same; to fix the number and compensation of the sheriff's deputies, guards, jailers, and other employes of the sheriff; to require the deputy sheriffs and special deputy sheriffs of said sheriff to execute official bonds conditioned, payable and approved as the bond of the sheriff; to exempt the sheriff of said County from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to

provide for the payment of the premium on the sheriff's and all deputies' bonds out of the County Treasury; to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the County Treasury, including fees for feeding prisoners, to be paid into the general fund of said County; to provide for the payment of the expenses of the office of said sheriff, including the costs of supplying and maintaining automobiles used by said sheriff in his official business, and authorizing the Board of Revenue to appropriate the necessary money for such expenses, and to regulate the expenditure of same; authorizing the sheriff of said County to employ an attorney to advise and represent him, whose compensation is to be fixed by the Board of Revenue and paid out of the County Treasury; abolishing in so far as it relates to Tuscaloosa County, Alabama, sheriff's fees provided for in Section 6717 of the Code of Alabama, 1923, and providing that the sheriff of said County shall furnish bailiffs required in Section 6716 of the Code of Alabama, 1923; to provide that said County shall not be liable for the acts or omissions of said sheriff or any of his deputies, guards, jailers or other employees; to repeal all laws and parts of laws which, as applied to Tuscaloosa County, Alabama, are in conflict with the provisions of said Act; and providing when and how said Act shall become effective.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after it's title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

By Mr. Walton:

S. 65. To regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict **therewith.**

Also:

By Mr. Fletcher:

S. 57. To authorize, require and provide for payment of the sum of Eighteen Hundred Eighty Dollars (\$1,880.00) for the relief of F. H. Gilliam, former Tax Collector of Madison County, said sum being an amount paid by him to the State of Alabama on charges made against him in a report of an examination of his office for being delinquent 188 days in making final settlement with the State.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 42. Relative to two Houses adjourning today to meet again on Friday, April 3, 1936, at 10 o'clock, A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Shaver:

H. 262. To amend an Act entitled: "An Act to authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits but within the police jurisdiction thereof," Approved September 6, 1927, as amended by Act of the Legislature of Alabama approved November 9, 1932.

Also:

By Mr. Goodwyn:

H. 353. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than sixty-seven thousand five hundred, according to the last or any subsequent Federal census, special funds to be known as "Police-men's And City Employees' Pension And Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and all other City Departments except the Fire Department in said cities; to

provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide who shall hear and decide applications for pensions and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and other City Departments except the Fire Department in said cities during their disability, and for the retirement of such members on pension, either by reason of termination of office or disability; to provide for the pensioning of members of such Police and other City Departments except Fire Department after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 262, to the Committee on Revision of Laws.

H. 353, to the Committee on Local Legislation.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the eighteenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the eighteenth Legislative day approved by the Senate.

ADJOURNMENT

At 4:45 P. M., on motion of Mr. Rogers of Mobile and pursuant to joint resolution heretofore adopted, the Senate adjourned until Friday, April 3rd, 1936, at 10 A. M.

NINETEENTH DAY

Friday, April 3rd, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Russell	Thomas
Browder	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Glover	Riddle	Swift	Woodall
Goldsmith	Rogers (Mobile)	Taylor	

—31

JOURNAL

On motion of Mr. Riddle, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Walton:

S. 178. To authorize the Governor to expend the proceeds of one-half of cent per gallon excise tax on gasoline already levied by and for the State of Alabama during the period from July 1, 1936, to December 31, 1936, for highway work relief or direct relief, in cooperation with the Federal Government and the counties and municipalities of this State, or without such cooperation, and to provide for anticipation of such revenue.

Committee on Finance and Taxation.

By Mr. Walden:

S. 179. To authorize and empower the Court of County Commissioners of Henry County to expend an amount not to exceed one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of the House bill 324, of the regular session of the Legislature of 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction, repair or maintenance of the roads and bridges of the County including bonded indebtedness.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

AN ACT

To authorize and empower the Court of County Commissioners of Henry County to expend and amount not to exceed one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of the House Bill 324, of the regular session of the Legislature of 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction, repair or maintenance of the roads and bridges of the County including bonded indebtedness.

Be it enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners of Henry County is hereby authorized and empowered to expend an amount not to exceed one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of House Bill 324, of the regular session of the Legislature 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction repair or maintenance of the roads and bridges of the County, including the road and bridges bonded indebtedness.

Section 2. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. That this Act shall take effect immediately upon its passage and approval by the Governor.

DAVE A. WALDEN,
Senator 35th Senatorial Dist.

PROOF OF PUBLICATION

THE STATE OF ALABAMA }
HENRY COUNTY }

Personally appeared before the undersigned, a Notary Public within and for said County and State, Mrs. H. C. Mitchell, who, being duly sworn, deposes and says that she is the Business Manager of The Wiregrass Farmer, a newspaper published at Headland, in said County and State, and that the notice, To authorize and empower the Court of County Commissioners, a true copy of which is hereto attached, was published in said paper for 4 consecutive weeks, of the following dates:

Feb. 13, 1936; Feb. 20, 1936; Feb. 27, 1936; March 5, 1936.

MRS. H. C. MITCHELL,
Business Manager.

Subscribed and sworn to before me this the 20 day of March, 1936.

A. S. HODGES, JR.,
Notary Public.

By Mr. Wellborn:

S. 180. To legalize and regulate the manufacture, sale and possession of alcohol and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his term of office, compensation, and powers, and to provide for his appointment; to provide and levy a license upon the sale of alcohol and alcoholic and malt beverages, and to levy an excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act; and to repeal Sections 4666, 4667, 4668, 4669, and 4670 of the Code of Alabama of 1923; and to provide that this Act shall not become operative until the voters of the State shall so declare in an election for that purpose herein provided.

Committee on Temperance.

By Mr. Kelly:

S. 181. To Amend Section 7020 of the Code of Alabama.

Committee on Revision of Laws.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Calhoun:

H. 122. To amend Section 9017 of the Code of Alabama of 1923.

By Mr. McDowell:

S. 134. To amend Section 793, of the Code of Alabama, 1923.

By Mr. McDowell:

S. 135. To amend Section 798, of the Code of Alabama, 1923.

By Mr. McDowell:

S. 136. To amend Section 10342 of the Code of Alabama, 1923.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walton (with amendment):

S. 3. To amend Article XIII, Chapter I of an Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

By Mr. Walton (with amendment):

S. 2. To amend Article XIII, Chapter I of an Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

By Mr. Walden (with amendment):

S. 169. To regulate the use of proceeds of State gasoline taxes by counties, to fix penalties for violation of this Act, and to repeal all laws in conflict herewith.

By Mr. Mooneyham:

S. 170. To provide for service of notice by tax collector on resident taxpayers when personal service or service by registered mail cannot be perfected as now provided by law.

By Mr. Todd:

H. 99. To amend Schedule 158.5 of Chapter 6, Article 13, of an act entitled "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

By Mr. Douglass:

H. 158. To amend Section 276 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted

on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Welborn (with substitute):

S. 27. To amend Section 344 Sub-section (a) of Article 10 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn:

H. 353. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than sixty-seven thousand five hundred, according to the last or any subsequent Federal census, special funds to be known as "Police-men's and City Employees' Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and all other City Departments except the Fire Department in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide who shall hear and decide applications for pensions and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and other City Departments except the Fire Department in said cities during their disability, and for the retirement of such members on pension, either by reason of termination of office or disability; to provide for the pensioning of members of such Police and other City Departments except Fire Department after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Mr. Walton, Chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Quarles

H. 63. To revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act.

Mr. Bonner, Chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dorsey:

S. 161. To provide for and regulate the possession, manufacture, sale, and other disposition of spiritous, vinous and malt liquors in the several counties of the State of Alabama whenever such possession, manufacture, sale or other disposition is authorized in and by the election by the qualified voters of the several counties of the State to be held as provided in this Act; to provide for and create the Alabama Alcoholic Beverage Control Board and to define its powers, duties and authority; to prohibit the possession, manufacture, sale or other disposition of such liquors in the State of Alabama except as authorized by this Act and to repeal all laws and parts of laws, general, special, local and private in conflict with the provisions of this Act.

Mr. Bonner, Chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harrison (with amendments):

H. 180. To legalize and regulate the manufacture, sale and possession of alcohol, and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his term of office, compensation, and powers, and provide for his appointment; to provide and levy a license upon the sale of alcohol and alcoholic and malt beverages, and to levy an excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act.

Mr. Walton, Acting Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Connor:

H. 170. To amend section 8 of an act entitled, "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways, to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of driver's licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed," approved September 2, 1935.

By Mr. Woodall:

S. 144. To amend subsection 8 of subdivision (b) of Section 51 of Article 2 of an Act entitled, "An Act to provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission

and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over along or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges; turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue," approved August 23, 1927, and known and designated as the "Alabama Highway Code."

By Mr. Walton (with substitute):

S. 162. To amend Section 7 of an Act approved September 2, 1935, entitled "An Act to regulate General Contracting".

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bill with the original bill, and finds same correctly engrossed, to-wit:

S. 153. To amend Schedule 158.12 of Section 348 and Subsection (m) of Section 10 of an Act of the Legislature of 1935 approved July 10, 1935, and entitled "An Act to provide for the general revenue of the State of Alabama".

Vernon L. St. John,
Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 57. To authorize, require and provide for payment of the sum of Eighteen Hundred Eighty Dollars (\$1,880.00) for the relief of F. H. Gilliam, former Tax Collector of Madison County, said sum being an amount paid by him to the State of Alabama on charges made against him in a report of an examination of his office, for being delinquent 188 days in making final settlement with the State.

S. 65. To regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

RESOLUTIONS

Mr. Fletcher offered the following Senate resolution:

S. R. 43. BE IT RESOLVED BY THE SENATE, that the written opinion of the Justices of the Supreme Court of Alabama, or a majority thereof, be requested on the following important constitutional question, viz:

1. Does the changing of the Caption of House Bill 180 as originally introduced which reads as follows: "To provide for the General Revenue of the State of Alabama" to the Caption in the Substitute bill as passed by the House of Representatives which reads as follows:

"To legalize and regulate the manufacture, sale and possession of alcohol, and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his term of office, compensation and powers, and provide for his appointment; to provide and levy a license upon the sale of alcohol and alcoholic and malt beverages, and to levy an excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act."

violate the provisions of Section 61 of the Constitution, where the original purpose of the bill remains substantially the same?

Which was read and referred to the Standing Committee on Rules.

Mr. Fletcher also offered the following Senate resolution:

S. R. 44. WHEREAS, there is now pending in the Senate, S. B. 27, which materially affects the revenue of the State, and there is serious doubt as to its constitutionality.

THEREFORE, BE IT RESOLVED BY THE SENATE, that the Justices of the Supreme Court of Alabama or a majority thereof are hereby requested to render to this body their written opinion, as provided under Section 10290 of the Code of Alabama, as to whether said Act, a copy of which is hereto attached, marked Exhibit A, and made a part hereof, offends or is in conflict with that part of Section 70 of the Constitution which provides, "All bills for raising revenue shall originate in the House of Representatives," giving consideration to the case of Perry County vs. S. M. & M. R. Co., reported in the 58th Alabama on page 546, construing a similar bill.

And on motion of Mr. Fletcher, the rules were suspended and the resolution adopted.

MOTION TO RE-COMMIT

Mr. Tucker moved that the bills:

S. 2. To amend Article XIII, Chapter I of an act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

Also:

S. 3. To amend Article XIII, Chapter I of an Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

Reported by the Committee on Finance and Taxation this morning, be re-referred to the Committee on Finance and Taxation, which motion was lost and the Senate refused to re-refer said bills.

Yeas, 9; Nays, 15.

Yeas:

Messrs.:

Dorsey

McDowell

Rogers (Mobile)

Russell
Simpson

Swift
Tucker

Walden
Wellborn

—9

Nays:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Fletcher
Kelly
Kuykendall
Mixon

Mooneyham
St. John
Starnes
Stephens

Thomas
Walton
Weaver

—15

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

By Mr. Castleberry:

H. 145. To authorize by law, members of Board of Revenue, County Commissioners or like officers, of all counties in Alabama, with a population according to the last Federal Census, of not less than 45,500 and not more than 54,000, may charge and collect five cents per mile for all mileage made by the hereinbefore named officers, while in the discharge of their official duties, to defray the expenses of their transportation, including use of automobiles, gas and oil, but in no event shall any officer above named exceed 300 miles any one month for which the respective counties will be liable for said charge; this Act not to apply to any counties now having a charge for road service or which may hereafter have charge for said service; said charge to be paid out of any funds available for said counties effected, and to be paid by warrant drawn by chairman of Board of Revenue, County Commissioners or like officers for said counties.

Also:

By Mr. Waldrep:

H. 171. To amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1932, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act of the Legislature of Alabama, approved August 20, 1927, entitled: 'An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to amend Section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, 'An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' approved August 20, 1927."

Also:

By Mr. Jones:

H. 256. To amend Section 7795 of the Code of Alabama of 1923, relating to the issuance by clerks and registers of executions on judgments and decrees.

Also:

By Mr. Connor:

H. 32. A bill to be entitled "An Act to propose an amendment to Section 59 of Article 4 of the Constitution of Alabama of 1901, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next regular general election after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 59 of Article IV of the Constitution of the State of Alabama of 1901, is hereby proposed so as to make said section read as follows:

"Section 59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, or any governmental subdivision thereof; nor shall any Senator or Representative, during the term for which he shall have been elected, receive any compensation, directly or indirectly, from the State of Alabama, or any department, bureau, board or commission thereof, nor from any county, municipality, or district of the State or from any corporation interests in any legislation pending in the House of Representatives or Senate of Alabama or any compensation from any corporation that may be affected by any legislation. The acceptance of any appointive office, or the receipt of any compensation in this Section prohibited, by any Senator or Representative shall vacate his office, and he shall no longer be a member of the Legislature of Alabama, and shall not be permitted to attend its sessions, nor vote upon any measure; and his name shall be stricken from the roll of the Senate, or of the House, of which ever he may be a member; and neither the Senate nor the House of Representatives shall have the power, under the authority in this Constitution given it to pass upon the qualifications of its membership, to seat or reinstate any Senator or Representative who violates this Section. Any Senator or Representative may, during the term for which he shall have been elected, be a candidate for any office to be filled by election of the people, and accept the election to any office by the people, but an acceptance of such office shall be a vacation of his office as Senator or Representative."

Section 2. That an election be held upon this proposed amendment at the next general regular election of the State of Alabama, to be held after the adjournment of this session of the Legislature.

Section 3. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every County in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 4. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, namely: "Shall the following be adopted as an amendment to Section 59 of the Constitution of Alabama so as to make said Section read as follows:"

"Section 59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, or any governmental sub-division thereof; nor shall any Senator or Representative, during the term for which he shall have been elected, receive any compensation, directly or indirectly, from the State of Alabama, or any department, bureau, board or commission thereof, nor from any county, municipality, or district of the State. The acceptance of any appointive office, or the receipt of any compensation in this Section prohibited, by any Senator or Representative shall vacate his office, and he shall no longer be a member of the Legislature of Alabama, and shall not be permitted to attend its sessions, nor vote upon any measure; and his name shall be stricken from the roll of the Senate, or of the House, of which ever he may be a member; and neither the Senate nor the House of Representatives shall have the power, under the authority in this Constitution given it to pass upon the qualifications of its membership, to seat or reinstate any Senator or Representative who violates this Section. Any Senator or Representative may, during the term for which he shall have been elected, be a candidate for any office to be filled by election of the people, and accept the election to any office by the people, but an acceptance of such office shall be a vacation of his office as Senator or Representative."

Yes.....

No.....

Section 5. The officers of said election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 6. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner, as in elections for Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes a part of the Constitution of the

State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 145, to the Committee on Finance and Taxation.

H. 171, to the Committee on Privileges and Elections.

H. 256, to the Committee on Judiciary.

H. 32, to the Committee on Constitution, Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 176. To amend Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations, approved August 5, 1927.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 58. To define turpentine gum (oleoresin) and the products as processed therefrom by or for the account of the original producer as agricultural commodities and agriculture farm products.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House bill:

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; employ a Clerk and a Supervisor of Roads and Bridges for the pension of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state, to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for said county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board. To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

And requests a Committee of Conference. The Speaker of the House has appointed as conferees on the part of the House Messrs. Robertson (Cullman), Dominick and Lusk.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Stephens, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 241, the title of which is set out in the foregoing Message from the House, and the

President of the Senate appointed as conferees on part of the Senate Messrs. Stephens, Carlton and Thomas.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 58. To define turpentine gum (oleoresin) and the products as processed therefrom by the original producer as agricultural commodities and agricultural farm products.

Also:

H. 70. To Amend Section 4589 of the 1923 Code of Alabama. Relates to a second or subsequent premium on insurance policies.

Also:

H. 176. To amend Section 1 of an act entitled "An Act to authorize the Court of County Commissioners of Limestone County, Alabama, to levy a tax or privilege license on all persons selling, or keeping in storage for sale, gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, and to provide rules, regulations and machinery for the collection thereof; and to provide penalties for the violation of such rules and regulations", approved August 5, 1927.

Also:

H. 221. To provide funds for the maintenance and operation of a County Health Department under direction of the County Health Officer of Mobile County; to repeal all laws in conflict herewith, and to fix the time when this act shall become effective.

Also:

H. 227. To repeal an Act entitled "An Act To require the Board of School Commissioners of Mobile County to permit each school teacher to be absent from her or his duties for not more than ten school days during each school year without loss of pay, and to require a certificate of ill health by said teacher in order to secure the advantages of this act"; approved March 8, 1933.

Also:

H. 247. To authorize Mobile County, in the State of Alabama, to issue bonds from time to time, not exceeding in the aggregate \$1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or pro-

visions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county existing on September 30th, 1936; to provide the manner, method, interest rate, maturity, and all necessary details relative to the issuance and selling of such bonds and the retirement thereof; to provide for the manner and method of retiring the obligations which are to be refunded hereunder; to provide that the holder of any such unbonded obligation entitled to be refunded under this act, existing on the 30th day of September, 1936, and not registered with the Treasurer of Mobile County, must present the same for registration to the Treasurer of Mobile County, on or before the 1st day of November, 1936, or the same shall not be entitled to the benefits of this act; to provide what notice shall be given to the holders of such unbonded and unregistered obligations existing on the 30th day of September, 1936; and to provide that the invalidity or unconstitutionality of any section, clause, or provision of this act shall not affect the validity or constitutionality of any other section, clause, or provision hereof; and to provide for the repeal of all laws or parts of laws, special, general, local, or private, in conflict with the provisions of this act.

Also:

H. 259. To provide for additional clerks in the offices of the Probate Judge, Tax Collector, Tax Assessor, Clerk and Register of the Circuit Court, of Mobile County; to fix the method and basis of their appointment and compensation and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

Also:

H. 260. To appropriate out of any monies collected as fees now or afterwards in possession of the Probate Judge of Mobile County \$150.00 per month and the prorata fractional part thereof, from November 20th 1935 to the date of the passage of this act, to the person who has been performing necessary work as an assistant tax redemption clerk in said Probate Court. Said sums to be in compensation for said services which have been rendered. To provide the method of payment thereof. To repeal all laws in conflict herewith and to fix the time when this act shall be come effective.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING

The bill:

By Mr. Mooneyham:

S. 142. A bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this Amendment is proposed, An Amendment to the Constitution of Alabama whereby the County of Montgomery in the State of Alabama may levy and collect a Special County Tax not exceeding 30 cents on each one hundred dollars of taxable property in such county, in addition to that now authorized or that may hereafter be authorized for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 1 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such County and voted for by a majority of those voting at such election.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the County of Montgomery shall have the power and right to levy and collect a Special County Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such County, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 1 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such County and voted for by a majority of those voting in such election.

Upon a petition signed by two hundred or more qualified electors of the County of Montgomery to the Court of County Commissioners or other governing body of the county, said Court shall order an election to be held at the time specified by said petition to determine whether or not said County Tax shall be levied for public school purposes within said County, said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following, viz., "Shall the following be adopted as an Amendment to the Constitution of Alabama: That the County of Montgomery shall have the power and right to levy and collect a Special County Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such County, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 1 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such County and voted for by a majority of those voting in such election.

Upon a petition signed by two hundred or more qualified electors of the County of Montgomery to the Court of County Commissioners or other governing body of the county, said Court shall order an election to be held at the time specified by said petition to determine whether or not said County Tax shall be levied for public school purposes within said County, said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

-----Yes

-----No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Glover	Riddle	Taylor	Woodall

—28

Nays:—None.

The bill:

S. 168. To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of Franklin County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Swift	Woodall
Glover	Riddle		

—26

Nays:—None.

The bill:

H. 342. To prohibit and make it unlawful for the Town Council or other governing body of the Town of Castleberry, Alabama to make any contract with or grant any franchise to any public utility company, individual, firm or corporation respecting the furnishing of electricity to the citizens of said town or to the town itself or to renew or extend any such existing contract without first being authorized to do so by the majority of votes to be cast in an election to be held in which the proposition shall be voted upon.

Was read a third time at length and passed.

Yeas, 26; *Nays*, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Swift	Woodall
Glover	Riddle		

—26

Nays:—None.

The bill:

H. 340. To provide for the relief of L. W. Gentry, former Treasurer of County School Funds of Lawrence County, Alabama; and to authorize and direct the County Governing Body of Lawrence County to reimburse the said Gentry for premium on the official bond of the Treasurer of School Funds of said County for the year 1932, paid by the said Gentry.

Was read a third time at length and passed.

Yeas, 26; *Nays*, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Swift	Woodall
Glover	Riddle		

—26

Nays:—None.

The bill:

H. 222. To validate and make a lawful debt of Mobile County, \$8,400.00 in warrants heretofore issued by said county to Headquarters Special Troops 31st Infantry Division, Alabama National Guard and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Swift	Woodall
Glover	Riddle		

—26

Nays:—None.

The bill:

H. 343. To authorize and empower the Commissioners Court of Greene County, Alabama to appropriate a sum not to exceed Two Hundred Dollars per annum out of the General Fund of Greene County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Swift	Woodall
Glover	Riddle		

—26

Nays:—None.

The bill:

S. 23. To dispense with proof of agency or employment in certain cases.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 7.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Thomas
Carlton	Kelly	St. John	Walden
Chesnut	Kuykendall	Starnes	Walton
Dorsey	Mixon	Stoddard	Weaver
Fletcher	Mooneyham	Taylor	Woodall
Glover	McDowell		

—22

Nays:

Messrs.:

Browder	Rogers (Mobile)	Simpson	Wellborn
Locke	Russell	Tucker	

—7

The bill:

H. 103. To amend Section 3283 of the Code of Alabama of 1923 relating to appeals in habeas corpus cases.

Was read a third time at length and passed.

Yeas, 23; Nays, 1.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker
Browder	Kuykendall	Simpson	Walden
Chesnut	Locke	Starnes	Weaver
Dorsey	Mixon	Stephens	Wellborn
Glover	Mooneyham	Stoddard	Woodall
Goldsmith	Rogers (Mobile)	Taylor	

—23

Nay: Mr. Walton

—1

The bill:

S. 119. To amend Section 9001 of the Code of 1923, relating to marriage licenses.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Stephens	Walton
Dorsey	Mooneyham	Stoddard	Weaver
Glover	Rogers (Mobile)	Taylor	Wellborn
Kelly	Russell	Thomas	Woodall

—24

Nays:—None.

The bill:

S. 158. To amend Section 1153 of the Code of Alabama of 1923, relating to public health.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Stephens	Walton
Dorsey	Mooneyham	Stoddard	Weaver
Glover	McDowell	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall

—24

Nays:—None.

The bill:

S. 156. To amend Schedule 133 of Section 348 of Article 13, Chapter 3, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; *Nays*, 3.

Yeas:

Messrs.:

Bonner	Mixon	Starnes	Tucker
Carlton	Mooneyham	Stephens	Walton
Chesnut	McDowell	Stoddard	Weaver
Glover	Rogers (Mobile)	Taylor	Wellborn
Kuykendall	St. John	Thomas	Woodall
Locke			

—21

Nays: Messrs. Dorsey, Kelly and Walden.

—3

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Robertson (Cullman):

H. 178. To amend Schedule 158 of Chapter 6, Article 13 of "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Hill:

H. 352. To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by said County from the State.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present extraordinary session of the Legislature of Alabama, application will be made for the passage of a bill in substance as follows:

A BILL, To be entitled: An Act

To authorize the payment of the per diem and mileage of the members of the Court of County Commissioners of Marion County, Alabama, from the gasoline funds received by it from the State.

Be it enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners of Marion County, Alabama, is hereby authorized and empowered to pay the per diem and mileage of the members of said Court, as provided in Section 6771 of the 1923 Code of Alabama, from the gasoline funds received by it from the State.

This, February 18, 1936.

Roy Sanderson,
Judge of Probate
G. W. Mixon
W. C. Byrd
A. E. Alexander
Marvin Pearce
County Commissioners.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA, MARION COUNTY.

Before me, J. D. Sexton, Clerk of Circuit Court in and for said County, in State aforesaid, personally appeared F. B. McKenzie, who, being duly sworn, doth depose and say that he is publisher of The Marion County News, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which hereto attached) has been published in said newspaper for four consecutive weeks prior to the 14th day of March, 1936, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 16 the 20th day of February, 1936; No. 17 the 27th day of February, 1936; No. 18 the 5th day of March, 1936; No. 19 the 12th day of March, 1936.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$6.80 and unpaid.

F. B. McKENZIE, Publisher.

Sworn to and subscribed before me, this 14th day of March, 1936.

J. D. SEXTON,
Clerk of Circuit Court.

Also:

By Mr. Robinson (Lowndes):

H. 389. To abolish the fine and forfeiture fund of Lowndes County, Alabama; to provide for the payment into the General

Fund of said county, all of the moneys which under existing laws or laws hereinafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Lowndes County shall, in the future, be paid out of the General Fund of said County; to fix the priorities of said claims; to provide for the registration of the same; to regulate the payment of the same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL LAW

Notice is hereby given that there will be introduced for passage at the coming Special Session of the Legislature, a Local Bill for Lowndes County, Alabama, as follows:

AN ACT

Entitled AN ACT to abolish the Fine & Forfeiture Fund of Lowndes County, Alabama, and to transfer the balance now in said Fund to the General Fund; and, to provide for the payment of all Officers fees and witness fees heretofore chargeable against said Fine & Forfeiture Fund, and to repeal all Local Laws and parts of Local Laws in conflict therewith.

STATE OF ALABAMA. COUNTY OF LOWNDES.

Before me, O. P. Edwards a Notary Public in and for said state and county, personally appeared J. D. Lamar, editor of The Lowndes Signal, who being duly sworn, deposes and says that the attached Local Legislation Notice was published in four consecutive issues of the abovesaid newspaper.

J. D. LAMAR.

Sworn to and subscribed before me this 13th day of March, 1936.
(Seal) O. P. EDWARDS, N. P.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 352, to the Committee on Finance and Taxation.

H. 389, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Harrison:

H. J. R. 45. Be it resolved by the House of Representatives, the Senate concurring, that when the two Houses adjourn today they adjourn to meet again on Tuesday, April 7, 1936, at 11 o'clock A. M.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mooneyham, H. J. R. 45, set out in the foregoing Message from the House, was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by an incorporated city or town in said county; to provide for the use of the money derived from said privilege tax,

and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walden, the Senate non-concurred in the following amendment by the House to Senate bill 103, the title of which is set out in the foregoing Message from the House, to-wit:

Substitute for Senate bill No. 103:

A BILL

To be entitled An Act to authorize and direct the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refineries, selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such County, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil," or "crude oil," commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax, and to prohibit said Board of Revenue from paying as a fee or compensation for the collection of said privilege tax, more than five per cent (5%) of the amount collected; to make provisions for the distribution of funds derived from said privilege tax; to prohibit any incorporated city or town in said County, less than 10,000 population, according to the last Federal Census or any succeeding Federal Census, from levying or collecting a municipal privilege tax on such motor fuels, or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other Motor Fuel used by self-propelled vehicles, kerosene oil, lubricating oils and greases, which may now be collected or levied by any incorporated City or Town in said County; to provide for the use of the money derived from said privilege tax and fees or compensation for the collection thereof, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Be it enacted by the Legislature of Alabama:

Section 1. The Board of Revenue of Houston County, Alabama, shall for the purpose of constructing and maintaining public roads, streets, bridges and ferries in Houston County, Alabama, and to retire and pay the outstanding indebtedness against the Fine and Forfeiture Account up to and including April 1, 1936, in Houston County, Alabama, levy and collect a privilege tax of not more than one cent per gallon on all gasoline, naphtha, and other liquid motor fuels or any device or substitutes therefor, commonly used in internal combustion engines; provided, however, that nothing contained herein shall be held to apply to those products known commercially as "kerosene oil," "Fuel oil," or "Crude oil," commonly used for lighting, heating or industrial purposes sold or delivered in said County, for the privilege of selling or delivering same. The Fine and Forfeiture Account in Houston County, Alabama, up to and including April 1, 1936, must be paid off first from the operation of this Act, and then all the funds derived from the operation of this Act must be used exclusively for the purpose of constructing and maintaining public roads, streets, bridges and ferries in said County.

Section 2. That said Board of Revenue shall also provide rules and regulations and machinery for the collection of such privilege tax and said Board of Revenue is hereby authorized to pay as a fee or compensation for collection thereof, of a sum not greater than five per cent (5%) of the amount collected, and to provide penalties for the violation of such rules and regulations.

Section 3. All of the net proceeds of said privilege tax collected within the corporate limits and police jurisdiction thereof of all incorporated towns or cities in Houston County, Alabama, of more than 10,000 population, according to the last Federal Census and any succeeding Federal Census shall be paid over to such incorporated city or town each month after collected, and all the net proceeds of said privilege tax collected in all other towns or cities within the corporate limits of any incorporated city or town in Houston County, Alabama, shall be paid over to such incorporated city or town each month as collected.

Section 4. After the passage and approval of this Act, it shall be unlawful for any incorporated city or town in said Houston County, Alabama, with less than 10,000 population, according to the last Federal Census or any succeeding Federal Census, to levy or collect a privilege license or excise tax on said motor fuels, or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis. All municipal privilege, excise and/or license taxes on gasoline, Woco-Pep or any other Motor Fuel used by self-propelled vehicles, kerosene oil, lubricating oils and greases, now being levied or collected

by any incorporated City or Town in said County are hereby expressly repealed.

Section 5. All such privilege taxes to be levied or imposed under this Act, and the money derived therefrom shall be used exclusively for the purposes of constructing and maintaining public roads, streets and bridges and ferries, and to retire and pay the outstanding indebtedness against the Fine and Forfeiture Account up to and including April 1, 1936, in said County of Houston, Alabama, and in any incorporated city or town, such privilege tax to be levied or imposed under this section, and moneys derived therefrom collected and paid over to such incorporated city or town in said county shall be used by such incorporated city or towns in such manner and for such purposes as the governing authority of such incorporated city or town may provide.

Section 6. This Act shall take effect on the first of the month next succeeding its passage and approval, and after said Board of Revenue of Houston County, Alabama has levied or imposed a privilege tax of not more than one cent per gallon on all gasoline, naptha, and other liquid motor fuels or any other device or substitute therefor, commonly used in internal combustion engines.

And requests a Committee of Conference. And the President of the Senate appointed as conferees on part of the Senate Messrs. Walden, Simpson and Tucker.

BILL ON THIRD READING RESUMED

The bill:

H. 123. To amend an act entitled "An Act to amend sections II, III, V, and VI of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

Was taken up.

Mr. Simpson offered the following amendment to said bill to-wit:

Amend H. B. 123:

Immediately following the words "a secretary-examiner and" where they occur together therein on page 2 of the bill, insert the following words, viz:

"the county Health Officer shall appoint, to hold at the pleasure of such County Health Officer"

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Tucker
Browder	Kelly	St. John	Walden
Carlton	Kuykendall	Simpson	Walton
Chesnut	Mixon	Stephens	Weaver
Cook	Mooneyham	Stoddard	Wellborn
Dorsey	McDowell	Taylor	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Tucker
Browder	Kelly	St. John	Walden
Carlton	Kuykendall	Simpson	Walton
Chesnut	Mixon	Stephens	Weaver
Cook	Mooneyham	Stoddard	Wellborn
Dorsey	McDowell	Taylor	Woodall
Fletcher	Rogers (Mobile)		

—26

Nays:—None.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the nineteenth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the nineteenth Legislative day approved by the Senate.

ADJOURNMENT

At 1:35 P. M., on motion of Mr. Riddle and in accordance with joint resolution heretofore adopted, the Senate adjourned until Tuesday, April 7th, 1936, at 11 A. M.

TWENTIETH DAY

Tuesday, April 7th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Glover	Riddle	Taylor
Browder	Goldsmith	Rogers (Mobile)	Thomas
Carlton	Kelly	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Parrish	Swift	Woodall

—32

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Chesnut, leave of absence was granted Mr. Stephens for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Locke:

S. 182. To relieve Tax Assessors in all counties in Alabama which now have, or which may hereafter have a population of not less than eighteen thousand and not more than thirty seven thousand according to the last Federal Census, or any such census which may be taken hereafter, from the duty of preparing a book.

of Assessments, and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepared Tax Collectors Abstracts from said assessment lists.

Committee on Local Legislation.

By Mr. Dorsey:

S. 183. Authorizing and approving the use, by institutions, departments or other agencies of the State receiving co-operative funds from Federal or private agencies, of such funds for certain compensations of employees, and to provide that no additional compensation shall be paid from any State appropriation.

Committee on Revision of Laws.

By Mr. Rogers (Mobile):

S. 184. To place the Sheriff of Mobile County, Alabama, on a salary basis and to provide for the salary to be paid such officer; to provide the date on which such officer shall be placed on a salary basis; to provide for the manner of payment of the salary of such officer out of the County Treasury of Mobile County, Alabama; to provide for additional Deputies and the allowances for each of such officers and to provide the salaries and manner of payment of such salaries for such Deputies; to provide for payment into the treasury of Mobile County of all fees, fines and forfeitures collected by said Sheriff or any of the officers attached to his office.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the Special Session of the Legislature of 1936 in substance as follows:

A BILL

TO BE ENTITLED

AN ACT

To place the Sheriff of Mobile County, Alabama, on a salary basis and to provide for the salary to be paid such officer; to provide the date on which such officer shall be placed on a salary basis; to provide for the manner of payment of the salary of such officer out of the County Treasury of Mobile County, Alabama; to provide for additional Deputies and the allowances for each of such officers and to provide the salaries and manner of payment of such salaries for such Deputies; to provide for payment into the treasury of Mobile County of all fees, fines and forfeitures collected by said Sheriff or any of the officers attached to his office.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Beginning immediately upon the adoption and ratification of a constitutional amendment which is to be submitted to the people of the State of Alabama at the general election in November, 1936, the Sheriff of Mobile County shall be paid on a salary basis for public services performed.

Section 2. After this act shall have become effective the Sheriff shall during the last five days of each and every month of the year pay into the County Treasury of Mobile County all fees, fines and forfeitures collected or received by him during the month or part thereof next preceding the date of such payment or settlement.

Section 3. Beginning immediately upon the adoption and ratification of the constitutional amendment referred to in Section 1 of this act the Sheriff of Mobile County shall receive the following yearly salary and may employ the following deputies who shall be appointed by the Sheriff and who may be discharged by the Sheriff with or without cause, and who shall be in addition to such deputies or employees presently attached to the Sheriff's Office whose offices have been created by legislative enactment and who shall receive the following salaries— The Sheriff of Mobile County shall receive a yearly salary of \$5,000.00 and he may employ in addition to such employees as are now presently attached to his office and constituted by legislative enactment the following: Four deputies at \$125.00 per month each and four additional deputies to serve him in such parts of the county as he may designate at \$50.00 per month each.

Section 4. During the last day of each and every month after this act shall have become effective, or on the next day thereafter in the event the last day of the month falls on Sunday, the Sheriff of Mobile County shall prepare a payroll upon which shall be listed the monthly salary due the Sheriff and the Deputies hereinabove provided entitled to pay for the preceding month, the said payroll to be prepared by the Sheriff of Mobile County detailing the amount due him and his deputies. Upon the completion of the payroll the Sheriff shall draw warrants on the County Treasury of Mobile County, Alabama, payable to the Sheriff and the Deputies herein provided. Said warrants shall be payable out of the County Treasury of Mobile County, Alabama. The salaries of the Sheriff and his Deputies shall be payable in monthly installments.

Section 5. The Sheriff shall receive such office equipment, stationery and other office supplies as are now provided for by law.

Section 6. All laws or parts of laws in conflict with this act in so far as they apply to Mobile County are hereby expressly repealed.

Section 7. If any provision or provisions of this act be held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of any other provision or provisions not so declared to be invalid or unconstitutional.

Section 8. This act shall become effective and operative immediately upon the proclamation of the Governor declaring that the qualified electors of the State of Alabama have ratified the constitutional amendment authorizing the Legislature to place the Sheriff of Mobile County on a salary basis.

Wm. M. Curran, being duly sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the city and county of Mobile, state of Alabama; and that the attached notice appeared in the issues of The Mobile Press, March 13, 20, March 27; April 3, 1936.

WM. M. CURRAN,

Sworn to and subscribed before me this 6 day of April 1936.

(Seal) D. E. KERN,
Notary Public.

REPORTS OF COMMITTEES

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Russell:

S. 46. To amend Section 8814 of the Code of Alabama of 1923.

By Mr. Mooneyham:

S. 164. To amend Section 3 of an Act approved March 10, 1933, entitled "An Act to provide for the designation by the Court of County Commissioners, Boards of Revenue or like Governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00 in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims."

By Mr. Rogers of Mobile:

S. 172. To amend Section One of an act entitled an Act "Allowing boxing, sparring and wrestling matches and exhibition under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission", approved July 1, 1927; and to amend Section Three of said act as last amended August 21, 1935.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDermott (with notice and proof), (with substitute):

H. 187. To provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Mr. Thomas, acting Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Browder:

S. 151. To specify what stated purposes shall control in the expenditure of the proceeds of certain special three-mill district school taxes or special three mill county school taxes where the petition for the tax election, the order of the county governing body calling the election, the notice of the election, or the official ballot provided vary in the statement of the purposes to which the proceeds of such tax shall be devoted; to provide that such variance shall not invalidate any such election or the levy and collection of taxes voted; to provide for the curing of such variances; and to provide further what constitutes submission of purposes to which the proceeds of such tax shall be devoted within the provisions of the Special School Tax Amendment to the State Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 103. To amend Section 3238 of the Code of Alabama of 1923 relating to appeals in habeas corpus cases.

Also:

H. 178. To amend Schedule 158 of Chapter 6, Article 13 of "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 222. To validate and make a lawful debt of Mobile County, \$8,400.00 in warrants heretofore issued by said county to Headquarters Special Troops 31st Infantry Division, Alabama National Guard and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Also:

H. 340. To provide for the relief of L. W. Gentry, former Treasurer of County School Funds of Lawrence County, Alabama; and to authorize and direct the County Governing Body of Lawrence County to reimburse the said Gentry for premium on the official bond of the Treasurer of School Funds of said County for the year 1932, paid by the said Gentry.

Also:

H. 342. To prohibit and make it unlawful for the Town Council or other governing body of the Town of Castleberry, Alabama to make any contract with or grant any franchise to any public utility company, individual, firm or corporation respecting the furnishing of electricity to the citizens of said town or to the town itself or to renew or extend any such existing contract without first being authorized to do so by the majority of the votes to be cast in an election to be held in which the proposition shall be voted upon.

Also:

H. 343. To authorize and empower the Commissioners Court of Greene County, Alabama to appropriate a sum not to exceed Two Hundred Dollars per annum out of the General Fund of Greene County for the purpose of paying for clerical work necessary in making the reports of the County Depository as required by law.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conferences on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, cor-

porations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

And the Speaker of the House appointed as conferees on the part of the House Messrs. Calhoun, Williams and Boswell.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House bill:

By Mr. Todd:

H. 123. To amend an act entitled "An Act to amend Sections II, III, V, and VI of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof,' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

And requests a Committee of Conference. The Speaker of the House has appointed as conferees on the part of the House Messrs. Douglass, Todd and Adams.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 123, the title of which is set out in the foregoing Message from the House, and the President of the Senate appointed as a committee on part of the Senate Messrs. Simpson, Weaver and Tucker.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Almon:

H. J. R. 41. WHEREAS, the Hon. David E. Lilienthal, director of the Tennessee Valley Authority will be in the capital city on Tuesday, April 7th, 1936,

BE IT RESOLVED by the House of Representatives of the State of Alabama, the Senate concurring, that an invitation be extended to the said Hon. David E. Lilienthal to address a joint session of the House and Senate at 12 o'clock, Noon, on the above date.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 41, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

SUPREME COURT OPINION

April 6, 1936.

To The Honorable The Senate of Alabama:

Replying to your inquiry as to whether or not Senate Bill 27, a copy of which is thereto attached, violates Section 70 of the Constitution of 1901.

We beg leave to inform you that the same being a revenue measure must originate in the House.—Perry County v. Selma, Marion & Memphis Railroad Company, 58 Ala. 546.

True, the said bill seeks to amend an existing revenue act, but the right of the Senate to propose amendments to revenue measures applies to pending bills which originated in the House and not to such measures after

they have been enacted. It is our opinion that the bill violates Section 70 of the Constitution.

Respectfully,

JNO. C. ANDERSON,
Chief Justice.
LUCIEN D. GARDNER
WILLIAM H. THOMAS
VIRGIL BOULDIN
JOEL B. BROWN
ARTHUR B. FOSTER
THOMAS E. KNIGHT,
Associate Justices.

RESOLUTION

Mr. Simpson offered the following joint resolution:

S. J. R. 45. BE IT RESOLVED BY THE SENATE OF ALABAMA, the House of Representatives concurring as follows:

1. In view of the emergencies existing in this State for the provision of funds to match federal funds for relief, that the Governor be, and he now is memorialized and requested by the Legislature to borrow sufficient funds within the Three Hundred Thousand (\$300,000.00) Dollar limit fixed by law to match federal funds now available for this purpose and care for the relief situation until the orderly processes of government can be made effective in that respect.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The bill:

S. 138. To fix, prescribe and authorize a classification or application of Utility rates to be charged by the Public Utilities of this State of Alabama, against churches, hospitals and eleemosynary institutions.

Was taken up.

The Standing Committee on Commerce and Common Carriers offered the following substitute for said bill, to-wit:

A BILL

To be entitled an Act to fix, prescribe and authorize a classification or application of certain Utility rates to be charged by the Public Utilities doing business in the State of Alabama, against public schools, churches, hospitals, and all other eleemosynary institutions.

Be it enacted by the Legislature of Alabama:

Section 1. That the rate charged by any Public Utility doing business in the State of Alabama, against any church, public school, hospital or any other eleemosynary institution, shall not exceed the rate which has been approved by the Public Service Commission of the State of Alabama for residential uses in the same community.

Section 2. That all public schools, churches, hospitals and all other eleemosynary institutions shall not be billed as commercial consumers or users but shall be billed on the residential rate or a lower rate.

Section 3. All laws or parts of laws, whether general, local or special in conflict with any provisions of this Act, is hereby expressly repealed.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 26; Nays, 4.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Starnes	Walton
Cook	Mooneyham	Stoddard	Weaver
Fletcher	McDowell	Swift	Woodall
Glover	Parrish		

—26

Nays: Messrs. Dorsey, Rogers (Mobile), Tucker and Wellborn

— 4

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 10.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Carlton	Kelly	St. John	Thomas
Cook	Locke	Starnes	Walden
Fletcher	Mixon	Stoddard	Walton
Glover	Parrish	Swift	Weaver

—20

Nays:

Messrs.:

Browder	Mooneyham	Russell	Wellborn
Chesnut	McDowell	Taylor	Woodall
Dorsey	Rogers (Mobile)		

—10

The bill:

H. 186. To validate and make a lawful debt of Mobile County, \$6,385.00 in warrants heretofore issued by said county to the Mobile County Department of Public Welfare, and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Russell	Thomas
Carlton	Mixon	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walton
Dorsey	McDowell	Stoddard	Weaver
Fletcher	Parrish	Swift	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Messrs. Kelly and Swift:

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-Five Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

CALENDAR BILL RE-REFERRED

On motion of Mr. Walden, the bill:

H. 270. To provide that the compensation of members of the Board of Revenue of Conecuh County, Alabama, may be paid out of the Gasoline Excise Tax Fund.

Was taken from today's calendar and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

RECESS

At 1:15 P. M., on motion of Mr. Rogers of Mobile, the Senate took a recess until 3 o'clock this afternoon.

TWENTIETH DAY—AFTERNOON SESSION

Tuesday, April 7th, 1936.

The Senate re-assembled at 3 o'clock, Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Glover	Riddle	Taylor
Browder	Goldsmith	Rogers (Mobile)	Thomas
Carlton	Kelly	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Parrish	Swift	Woodall

—32

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing Committees, as follows:

By Mr. Thomas:

S. 185. For the relief of Elizabeth Jeffcoat, widow of C. P. Jeffcoat, and Eva Pickens, Zula Hill, Willie B. Dawson, Bessie Tucker and Minnie Binion, Children of C. P. Jeffcoat, deceased, and to authorize, empower and require the State Auditor of the State of Alabama, in behalf of the state to execute and deliver to the above named parties a deed without warranty or covenant of any kind on the part of the State, conveying to them all the right, title and interest of the State in and to certain real estate described in this Act, which real estate formerly belonged to said C. P. Jeffcoat in his lifetime and through inadvertence or mistake was assessed to parties other than C. P. Jeffcoat and was sold by the Tax Collector for unpaid taxes and which was purchased by the State.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that there will be introduced in the present session of the Legislature of Alabama, a local bill for Chilton County, in substance as follows:

A BILL TO BE ENTITLED AN ACT"

For the relief of Elizabeth Jeffcoat, widow of C. P. Jeffcoat, and Eva Pickens, Zula Hill, Willie B. Dawson, Bessie Tucker and Minnie Binion, children of C. P. Jeffcoat, deceased, and to authorize, empower and require the State Auditor of the State of Alabama, in behalf of the state to execute and deliver to the above named parties a deed without warranty or covenant of any kind on the part of the State, conveying to them all the right, title and interest of the State in and to certain real estate described in this Act, which real estate formerly belonged to said C. P. Jeffcoat in his lifetime and through inadvertence or mistake was assessed to parties other than C. P. Jeffcoat and was sold by the Tax Collector for unpaid taxes and which was purchased by the State.

Whereas, C. P. Jeffcoat, a resident citizen of Chilton County, Alabama, in his lifetime was the owner of the Southeast Quarter of the Southeast Quarter of Section 2, Township 21, Range 11, and also the East Half of the Southwest Quarter of the Southeast Quarter, Section 2, Township 21, Range 11, all of the same being situated in Chilton County, Alabama, and

Whereas, through inadvertence or mistake the said C. P. Jeffcoat or his heirs for twelve years assessed and paid taxes on other lands not owned by said Jeffcoat or his heirs, thinking and believing said assessment and payment of taxes were being made and paid upon the above described property owned by said Jeffcoat and his heirs, the amount of said taxes being approximately \$120.00, and Whereas, the taxes due upon said lands owned by said Jeffcoat and his heirs has not exceeded approximately \$80.00 during the same period of time, and Whereas, the State of Alabama and the County of Chilton have each received more taxes than were due during the past twelve years on account of said wrong assessment and payment of taxes and Whereas, the said C. P. Jeffcoat has died intestate and left surviving a widow, Elizabeth Jeffcoat, and the following children: Evie Pickens, Zula Hill, Willie B. Dawson, Bessie Tucker and Minnie Binion, and Whereas, the Southeast Quarter of the Southeast Quarter of Section 2, Township 21, Range 11, was sold by the Tax Collector on June 27, 1932, for taxes due the State and County and the East half of the Southwest Quarter of the Southeast Quarter of Section 2, Township 21, Range 11, was sold by the Tax Collector on November 20, 1933 for taxes due the State and County and said property was purchased by the State on the respective dates of said sale and Whereas, said lands are now owned by the State and said lands have not been redeemed or purchased from the State.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the State Auditor of the State of Alabama, on behalf of the State shall execute and deliver to Elizabeth Jeffcoat and Evie Pickens, Zula Hill, Willie B. Dawson, Bessie Tucker and Minnie Binion, a deed duly acknowledged, without warranty or covenant of any kind on the part of the State, expressed or implied, conveying to them all the right, title and

interest of the State in and to the following described real estate:

The Southeast Quarter of the Southeast Quarter of Section 2, Township 21, Range 11, and the East Half of the Southwest Quarter of the Southeast Quarter, Section 2, Township 21, Range 11, Chilton County, Alabama.

Section 2. All laws and parts of laws in conflict with this Act are hereby expressly repealed.

C. B. COX,
Representative.

STATE OF ALABAMA
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Chilton County News, a newspaper published in said state and county, and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated March 5, 1936; March 12, 1936; March 19, 1936 and March 26, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 6th day of April, 1936.

W. L. SMITH,
Notary Public.

REPORT OF COMMITTEE

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weaver (by request), (with amendment):

S. 118. To amend an Act entitled: "An Act to Authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits but within the police jurisdiction thereof."

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five

Dollars (\$25.00) per month, per county; said sums, when so paid by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

RESOLUTIONS

Mr. Frazer offered the following joint resolution:

S. J. R. 46. BE IT RESOLVED BY THE SENATE, the House concurring, that this Legislature do now adjourn sine die.

Which was read and referred to the Standing Committee on Rules.

The Rules Committee reported the following joint resolution:

S. J. R. 47. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two Houses adjourn today, they adjourn to meet again, Friday, April 10th, 1936, at 10 A. M.

And on motion of Mr. Riddle said report was concurred in and the resolution adopted.

BILLS ON THIRD READING

The bill:

S. 106. To relieve the emergency whereby the Public schools in many Counties of Alabama are unable for lack of funds to complete a seven months term for the school year of 1935-36, by appropriating the receipts from Franchise Taxes of Foreign and Domestic Corporations, as collected after the passage of this Act, for the fiscal year 1935-36 to the use of the Public Schools of Alabama, and authorizing and directing the Governor of Alabama to allocate the same to make the term of the Public Schools for 1935-36 as nearly as possible the same in the several counties of the State:—

Was read a third time at length and lost.

Yeas, 15; Nays, 17.

Yeas:

Messrs.:

Dorsey	Mixon	Starnes	Walton	
Frazer	Parrish	Swift	Weaver	
Kelly	Rogers (Mobile)	Taylor	Wellborn	
Locke	Simpson	Thomas		—15

Nays:

Messrs.:

Bonner	Fletcher	McDowell	Stoddard	
Browder	Glover	Riddle	Tucker	
Carlton	Goldsmith	Russell	Walden	
Chesnut	Mooneyham	St. John	Woodall	
Cook				—17

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Reeder:

H. 399. To relieve all persons in Lauderdale County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Lauderdale County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the present regular session of the Legislature of Alabama for the passage of the following bill:

"A BILL TO BE ENTITLED

"An Act to relieve all persons in Lauderdale County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Lauderdale County, Alabama.

"Be it enacted by the Legislature of Alabama:

"Section 1. That all persons in Lauderdale County, Alabama, shall be relieved of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such legal obligation to work on the public roads or streets in Lauderdale County, Alabama.

"Section 2. That all laws, both local and general, in conflict herewith, be, and the same are hereby repealed.

"Section 3. That this Act shall take effect upon its passage and approval by the Governor."

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA, }
LAUDERDALE COUNTY. }

I, Lillie Anderson, secretary of The Florence Herald, a weekly newspaper published in Florence, Alabama, hereby make affidavit that the advertising of: A Bill To Be Entitled An Act was published in The Florence Herald on the days and dates and in the amount of space as here given, as follows: Feb. 21, 28, March 6, 13, 1936.

Florence, Ala., March 28, 1936.

Lillie Anderson,
Secretary of The Florence Herald.

Sworn to before me this 28th day of March, 1936.

Annie Mae Swank,
Notary Public.

My Commission expires March 20, 1940.

Also:

By Mr. Rayburn:

H. 379. To provide for the drawing, summoning and empanelling of the juries for the Circuit Courts of Marshall County, and in every way providing a special jury law for Marshall County, and repealing all laws or parts of laws in conflict with the provisions of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama and enacted into law:

AN ACT

To provide for the drawing, summoning and empanelling of the juries for the Circuit Courts of Marshall County, and in every way providing a special jury law for Marshall County, and repealing all laws or parts of laws in conflict with the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That the Jury Commission for Marshall County, or persons hereafter authorized to draw jurors for the Circuit Courts at Albertville and at Guntersville shall provide one jury box only for both courts.

Section 2. That said jury box shall be labeled as follows: "Jury Box for Marshall County." The jury box shall be kept in the safe or vault in the office of the Judge of Probate at Guntersville, except when in use by the court, and it may be under the direction of the court delivered by the Probate Judge to the Clerk or Sheriff to be by them carried to the court house at Albertville, if and when needed, by the court at that place, but shall not remain away from the vault at the court house at Guntersville for more than twelve hours at any one time. One key to said jury box shall be kept by the President of the Jury Commission, one key by the Judge of Probate, and one key by the Judge of the Circuit Court.

Section 3. The Jury Commission or persons hereafter authorized to act and perform the duties of Jury Commission shall meet at the court house at Guntersville as soon after the passage of this Act as practical, and shall prepare in a well-bound book a list or roll of every male citizen living in Marshall County who possess the qualifications of jurors, as prescribed by the general jury law of Alabama, the list or roll to be made up from the County at large and is to be arranged in manner and form as prescribed by the general jury law of the State of Alabama. This list or roll shall be made up from the county at large and is to be kept and used for filling the box for both of the Circuit Courts of said county, and persons now or hereafter authorized to fill or replenish the jury box of Marshall County shall from time to time use this list or roll for the purpose of filling or replenishing said jury box. The list or roll and the method of preparing and arranging them, and the method, manner and form of revising them, and the method, manner or times of drawing the jury for each division of the Circuit Court of Marshall County shall in all respects be the same for both the Guntersville and Albertville Circuit Courts, and shall be the same as that prescribed by the general jury laws of the State of Alabama, and the method or manner of procuring juries in the Circuit Court in Equity, the Circuit Courts at Albertville and at Guntersville, and the Probate Courts, and all special juries, and all juries for special or adjourned terms of courts for Marshall County shall be the same, had and done in the same manner and under the same procedure from this one jury box and one jury list, as provided by the general laws of the State of Alabama, the same as if there were only one division of holding Circuit Court in Marshall County.

Section 4. There shall be no grand juries held or empanelled in the Circuit Court at Albertville. The grand jury for the County at large shall be drawn, empanelled and shall sit at the court house at Guntersville at the terms of holding such courts there, or at such other time as the presiding Judge may order, and to be drawn from the regular jurors summoned for the week at Guntersville, and shall be empanelled and charged as provided by the general law of this State, the same as if only one division of the Circuit Court of Marshall County existed.

Section 5. All indictments preferred on causes of action arising within the jurisdiction of the Guntersville Circuit Court shall be docketed by the Clerk on the Guntersville Circuit Court docket, and shall be tried by the Guntersville Circuit Court sitting at Guntersville. All indictments preferred or returned on causes of action arising within the jurisdiction of the Albertville Circuit Court shall be docketed by the Clerk on the Albertville Circuit Court docket and shall be tried by the Albertville Circuit Court sitting at Albertville.

Section 6. All provisions as to pleas in abatement and other regulations for preparing jury lists or rolls, the filling or re-filling of jury boxes, drawing, summoning and empanelling juries, except as otherwise provided, shall be governed by the general jury law of Alabama not in conflict with the provisions of this Act, shall be applicable and held to apply to both the Guntersville and Albertville Circuit Courts.

Section 7. That all laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

STATE OF ALABAMA, }
MARSHALL COUNTY. }

Before me, W. B. Hooper, a Notary Public, personally appeared Y. Burke, who, being duly sworn, deposes and says that he is editor and publisher of The Guntersville Advertiser-Democrat, a weekly newspaper published in said County, and that the publication of a certain notice, of which the foregoing is a true copy, has been made and published in said paper for

four consecutive weeks, towit: On the 26th day of February, 1936; the 4th day of March, 1936; the 11th day of March, 1936, and the 18th day of March, 1936.

Y. BURKE.

Sworn to and subscribed before me this 19th day of March, 1936.

W. B. HOOPER,

(Seal)

Notary Public.

Also:

By Mr. Tolbert:

H. 393. To provide for the payment to the Clerk and/or Sheriff of DeKalb County of all costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama for enactment into law the following bill:

AN ACT

To provide for the payment to the Clerk and or Sheriff of DeKalb County of all costs and fees accruing after the passage of this Act which would otherwise be payable out of the fine and forfeiture fund of DeKalb County to be paid quarterly out of the general fund of said County instead of out of the fine and forfeiture fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the general fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the fine and forfeiture fund of DeKalb County.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage and approval of this Act all costs and fees that accrue to the Clerk and Sheriff of DeKalb County, Alabama which would otherwise be a legal claim against the fine and forfeiture fund of DeKalb County, Alabama, in favor of such Clerk and Sheriff shall be paid quarterly to such Clerk and Sheriff out of the general fund of DeKalb County, Alabama instead of being paid out of the fine and forfeiture fund of said County and which shall be a preferred claim on the general fund of said County. Said Clerk and Sheriff shall itemize quarterly and file with the Court of County Commissioners of DeKalb County a statement of such costs and fees under oath and when so filed must be allowed as a claim

against the general fund and for which warrant must be immediately drawn, payable to such Clerk and or Sheriff for such fees and costs, but nothing in this Bill contained shall otherwise than as herein specified affect any of the laws with reference to the fine and forfeiture funds of DeKalb County.'

STATE OF ALABAMA, }
DeKALB COUNTY. }

I, E. O. Davidson, Editor and Owner of the Fort Payne Journal, a newspaper published weekly at Fort Payne, Alabama, in DeKalb County, do hereby certify that the above Act has been published for three successive weeks, namely: February 5, 1936, February 12, 1936, and February 19, 1936, inclusive. Notices of same being hereby attached.

Sworn to and subscribed, before me, this 19th day of March, 1936.

(Seal) L. G. McPherson,
Clerk Circuit Court, DeKalb County.

Also:

By Mr. Lusk:

H. 394. To establish the Attalla-Gadsden Sanitary District in Etowah County, Alabama, and define the boundaries, powers, duties and authority thereof; to create a commission composed of five resident adult citizens of said district as the governing body of said Sanitary District, and to define the jurisdiction, powers, duties and authority of said Commission and to fix the terms of office and provide for the appointment of the members thereof; to authorize said Sanitary District and said Commission to borrow money and issue bonds or other obligations to pay therefor, for the construction of sewer pipe lines, conduits and excavations and other structures and works in connection therewith and treatment or purification plants and other structures and appliances in connection therewith in said Sanitary District; to authorize and empower said Sanitary District and said Commission to charge and collect for the use of or the connecting with said sewer pipe lines, conduits and other structures and said treatment or purification plants and other structures, and to do all things and exercise all rights and powers heretofore conferred upon sanitary districts in the state, or which may hereafter be conferred upon them, by law, and to do all things necessary, proper or advantageous in the construction, establishment and maintenance of all structures, pipe lines, conduits or appliances in the collection, carrying away, disposal of, or treatment and purification of sewage, drainage and the like in said District, and to confer upon said Sanitary District the powers of a public corporation and of eminent domain for the acquirement of lands, properties, easements and rights of way and to authorize said Sanitary District and said Commission in the name thereof to sue and to be sued in the courts in matters relating to the property, property rights, construction, operation and maintenance of

the business of said District in the collection, disposal, treatment and purification of sewage and the drainage in said District.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Attalla-Gadsden Sanitary District.

Notice is hereby given of the intention to apply to the Legislature of Alabama, the extraordinary session being held at this time, for the passage of an Act, the substance of which will be as follows:

To establish the Attalla-Gadsden Sanitary District, which will be within the following boundaries in Etowah County:

Begin at the northeast corner of Section 25, Township 11, Range 6 east, and extend Southward along the range line between Ranges 6 and 7 east to the southeast corner of Section 24, Township 12, Range 6 east; thence west along the south line of Section 24, 23, as that line crosses Coosa River, 22, 21, 20 and 19 in Range 6 east, Sections 24, 23, 22 and 21, in Range 5 east to the southwest corner of said Section 21 in said Range 5 east; thence north along the west line of Sections 21, 16, 9 and 4, in Township 12, and of Sections 33 and 28, in Township 11, in Range 5 east, to the northwest corner of said last named Section 28; thence east along the north line of Sections 28, 27, 26, 25, in Range 5 east, and Sections 30, 29, 28, 27, 26 and 25, in Range 6 east, in Township 11, and to the northeast corner of the last named section, the beginning point;

Create a Commission in and for said Sanitary District called the Sanitary Commission, composed of five resident adult citizens of said district, one from the City of Attalla, three from the City of Gadsden and one from that portion of the district not included in the corporate limits of said two cities, said Sanitary District and said commission to constitute the body corporate, or a public corporation; the governing body of the City of Attalla to appoint the member of the commission from that city, who shall hold office for four years from the date of his appointment; the governing body of the City of Gadsden to appoint the three members of the commission from that city, one of whom shall hold office for a term of five years, another for the term of two years and another for the term of one year, as designated by that governing body, and the governing body of the county of Etowah to appoint the member of the commission from that portion of the Sanitary District not included in the corporate limits of the cities of Attalla and Gadsden, the term of office of that commissioner to be three years, and after the expiration of said first terms of office, the term of office of each commissioner shall be five years, the commission to elect one of its members as chairman and to employ a person as the secretary thereof, the commissioners, after said first terms of office expire, to be appointed respectively by the governing authorities of Attalla, Gadsden and Etowah County; three of said commissioners to constitute a quorum for the transaction of all business, said commission to have the power and authority to adopt and promulgate such rules, regulations and by-laws for the government of the commission as may be reasonable and suitable therefor, prescribe the time for the meetings of the commission and the order for the transaction of business therein; the remaining members of the commission to fill all vacancies of the commission for the unexpired terms; the commission shall transact all business of said Sanitary District, but no member thereof shall be personally liable for any official act of his; all contracts shall be made by said commission in the name of Attalla-Gadsden Sanitary District, and all transactions of said commis-

sion, of every kind and character, to be in the name of said such Sanitary District, all court proceedings had and done by in land acquired to be taken to and in the name of said such Sanitary District, all court proceedings had and done by said commission to be in the name of said Sanitary District, and all bonds and obligations shall be taken in its name; the commission to be empowered to cause to be constructed, operated and maintained main or trunk lines of sanitary sewers from points within or without said Sanitary District, with discretion vested in it of locating said sewers and the termini thereof, of the materials out of which said sewers shall be constructed, the type and capacity of said sewers, the points at which sewage may be placed in the said sewers, said commission to have the authority to construct whatever lines of sewers and in the order it may decide upon and to construct branch lines of sanitary sewers, the commission, of course, not to have the authority to construct solely within the corporate limits of either Attalla or Gadsden a main or branch sewer line for the exclusive use of that municipality or the residents thereof; to bestow upon the commission the power to employ experts, engineers, labor and professional skill of all kinds that it may be deemed necessary or appropriate by the commission to accomplish the work and exercise the rights and powers conferred upon it and to make such contracts as it may deem necessary or appropriate to accomplish the work and maintain the ends authorized and contemplated in the establishment of said Sanitary District; to give the commission power and authority to treat sewage at any point in said Sanitary District where the same may be concentrated and to construct and operate a treatment plant or plants at such place or places as it may determine and to do all things necessary or needful for the treatment of sewage; power to acquire by gift, purchase or otherwise, lands, watercourses, rights of way, easements or interests in lands that may be necessary or appropriate for the construction of main or trunk and branch line sewers and for pumping station or stations for the disposal or treatment of sewage, and to acquire lands, watercourses, rights of way, easements or interests in lands by condemnation under the procedure and with the rights set out in Code of Alabama of 1923, Chapter 286, Article 1, or any other appropriate Alabama condemnation statute, for the acquirement of lands for public uses, except that the commission shall not be required to give security cost in condemnation proceedings and to give bond on appeal, and except that no separate appeal direct to the Supreme Court from the Probate Court may be taken by either party in such proceeding, but either party may take an appeal as provided in said Chapter of the 1923 Code of Alabama, or in any other appropriate statute; to give to commission the right, before determining upon the final plan or route for the construction of any work authorized in said Act, any of its members, officers, agents, servants, employees or contractors to, at all times, enter upon any lands in said Sanitary District for the purpose of exploring, making test pits or holes, surveying, leveling or laying out the route of any construction authorized by the said proposed Act, said Sanitary District to be liable only for actual damages done to private property in the exercise of such powers; to give said commission the power and authority to construct said main or trunk and branch line sewers, under, over or across any watercourse, over, across or along any street, public highway, railroad or other way, and to that end may enter upon, dig up any street or public highway, or public or private land for the purpose of laying said trunk or branch lines of sewers and for maintaining the same, and to restore to previous condition and order said streams, streets, public highways; also to give said commission the power and authority to alter or change the course or direction of any watercourses, to alter or change the location or grade of any public street or highway crossed by the trunk or branch lines of sewers, provided that no watercourse or highway shall be altered or changed which affects the rights of private property without mak-

ing compensation therefor, in a condemnation proceeding authorized in said Act; to give said commission full authority to make and promulgate rules and regulations for connecting with said main, trunk and branch line sewers, sewers of other persons, corporations or municipalities and to especially prohibit any person, corporation or municipality from connecting any sewer, line of sewer or drain within a trunk or branch line of sewer constructed by said commission, except by the consent of the commission, which shall designate the point or points for such connections; to provide that all incorporate cities and towns within whose limits or to whose limits any trunk or branch line of sewer shall have been constructed, shall connect their sewers to such trunk or branch line of sewer, subject to the direction, control and regulation of the commission; that it shall be unlawful for any such municipality to permit the use of any sewer or drain within its limits which is not connected with said trunk or branch line of sewer, subject to the approval of the commission; to give the commission the authority at any time to permit any person, firm or corporation to connect private drains or sewers within or without the corporate limits of any municipality with any trunk or branch line of sewer, subject to the direction, control and regulations of the commission; to grant to the commission power and authority to protect any and all streams and watercourses in said Sanitary District from pollution by domestic sewage and to impose the duty on the commission to protect from such pollution any and all streams and watercourses in said Sanitary District; that it will be unlawful for any person, association, corporation or municipality to connect or maintain any sewer, drain or sewage system with any trunk or branch line of sewer constructed by the commission except at such points, in such manner and under such regulations as may be prescribed by the commission, the commission to have the right to restrain the use of any connection made without its consent, or at a point, or in a manner contrary to the rules and regulations of the commission, and the commission may compel the restoration of the branch or trunk line to the condition in which it was prior to the connection; the commission to have the power to adopt rules and regulations regulating the use of the sewers constructed by it, the character, quality and kind of waste and sewage that shall be permitted to flow in the sewers constructed by it; that the commission may designate a person to enter into or upon all private property for the purpose of examining the sanitary connections thereon and may examine and dig into any sanitary sewer in any municipality, or in that portion of the Sanitary District outside of the corporate limits of Attalla and Gadsden, for the purpose of ascertaining whether or not the drainage therefrom into the trunk lines of sewer is in compliance with the rules and regulations of the commission, the commission to have full power and authority to enforce all of its rules and regulations in the conduct of its said sewer system; that it shall be unlawful for any person, association, corporation or municipality to connect any sewer drain or sewage system from which it is designated that any contaminating or other harmful or deleterious matter, solid or liquid, shall flow into any of the waters or streams in said Sanitary District so as to pollute or render impure such waters, except under such conditions as shall be prescribed or approved by the commission; that it shall be unlawful for any person, association, corporation or municipality to cause, permit or allow any sewage or other polluted water to flow into any watercourse or stream in said Sanitary District from any land in the possession or under the control of such person, association, corporation or municipality, and it shall be unlawful for any such person, association, corporation or municipality to permit or allow any polluting, contaminating or deleterious matter to be or remain upon any land in the possession, control or under the supervision of such person, association, corporation or municipality, when drainage from such land is into any stream in said Sanitary District, except with the approval of the commission; and said com-

mission shall have the right and power to restrain and prohibit any act or thing declared to be unlawful in said Act; that any person who wantonly or maliciously destroys or injures any sewer or other property held or used by the commission in said Sanitary District shall forfeit and pay to said district three times the amount of damage sustained and said commission, in the name of said Sanitary District, may sue for and recover for same in any court having jurisdiction; that the commission shall have the right and power in the name of said Sanitary District, to apply to any court having jurisdiction for writ of injunction, or other remedial writ, to restrain from being done, or to compel to be done, those things and acts which the commission is given authority and power to require to be done, and to prevent being done in said Act, and upon the filing of a bill or other proceeding to enforce the powers to be conferred upon the commission in said Act, a majority of the commissioners shall certify to the court either in bill or other paper filed, or by separate instrument, that in their opinion the public health or public good demands immediate action, it shall be the duty of the court summarily and without notice, to order or decree that a temporary injunction or other appropriate remedial writ shall issue, or if such certificate is not filed at the time or filing of the bill or other proceeding, and such certificate should afterwards, during the pendency of the cause, be filed, it shall be the duty of the court, upon the filing of such certificate, at once, without notice, to decree or order that a temporary injunction, or other appropriate remedial writ issue; that the court shall not require any bond to be given by said Sanitary District, or by the commission, in any of the proceedings authorized by the Act; that any number of persons, corporations or municipalities may be joined as defendants in the same cause and on a final hearing the court may decree a perpetual injunction against any or all the defendants, or render such a decree as the facts may warrant; that all work let to a contractor or contractors by the commission, except emergency work, shall be let to the lowest and most responsible bidder after bids are advertised for in such newspapers and for such length of time as the commission may name, and the commission may reject any and all bids; the commission to have the exclusive right to determine who is the lowest and most responsible bidder; the commission to file with its records a statement of all bids received on each lot or parcel of work to be let, showing the amount of each bid and stating in the statement which bid was accepted, and the commission shall cause each or all such statements or reports to be recorded on its records; that contractors, where the amount to be paid under a contract exceeds one thousand (\$1,000) dollars, shall give bond with some bonding company as surety, or other good and sufficient surety, to be approved by the commission, or by a committee of the members of the commission appointed by the commission, in an amount equal to the amount of the bid and so conditioned as the commission may require, to secure the faithful performance of the contract; the commission shall require the engineers, or the persons upon whose estimates and acceptance payment are to be made to the contractors, to execute bonds payable to said Sanitary District with a surety company as surety, to be approved by the commission, in a sum not less than one-eighth ($\frac{1}{8}$) of the amount of the contract let, upon which they accept work and give estimates, and so conditioned as to guarantee the honest and faithful discharge of their duties in giving estimates and accepting work, as shall be designated by the commission; that no member of the commission shall be directly or indirectly interested in the sale of any material to the commission or said Sanitary District, or in the sale of materials or supplies to contractors or sub-contractors to be used on or in furtherance of any work of the commission, or of said Sanitary District, the commission to keep or cause to be kept full and accurate minutes of its meetings and shall preserve all books, plans, contracts, maps, engineers' reports and other papers acquired during the surveys, investigation and construction of

any work authorized, the commission to be authorized to from time to time sell at public or private sale, within its discretion, or otherwise dispose of any property, real, personal or mixed, not needed by the commission or said Sanitary District in the construction and maintenance of sewers and treatment plants; the commission to have power to appoint and pay a salary to one of its members, or some other adult person, as the custodian and treasurer of all moneys coming into the hands of the commission, whether from the sale of sanitary bonds or otherwise, and all moneys, and all moneys going into the sanitary fund from any source, and all moneys received by the commission from sale of property or from other source, and require such person to give bond for the faithful performance of his duties as such treasurer in such amount as may be fixed by the commission, said bond to be secured by a surety company, and require such treasurer to make reports to the commission of his acts and doings at such times and with such frequency as the commission may fix; that the expenses of all construction work done by the commission and all costs and expenses in any way connected therewith, shall be paid out of the money received from the sale of sanitary bonds, and/or assessments against property benefited by such constructions, and all expense of repairs, maintenance, protecting streams from pollution and all other expenses incurred in the exercise of the powers in the Act granted, shall be paid out of the sanitary fund derived from any other source, including money received by the commission in the conduct of said sewage system and treatment plants, which shall be paid only on warrants authorized by the commission; to give the commission power and authority to issue and sell bonds of said Sanitary District, to prepare the form of said bonds to be issued by the Sanitary District, stating denominations thereof and to do all things necessary or appropriate to the issue and sale of said bonds and the receipt of the sale price thereof, said bonds to be executed in the name of the Sanitary District, by the president or chairman of the commission and attested by the secretary; to give the commission the power and authority to from time to time sell said bonds in the quantities determined in its discretion, or to sell all the bonds at one time, the price for which said bonds shall be sold to be that determined by the commission to be to the best interest of the said Sanitary District; the treasurer of said commission shall deliver to the purchaser or purchasers the bonds sold by the commission when and as directed by the commission, the commission to state in writing in its directions to the treasurer to deliver the bonds, the price for which they were sold and the number of bonds and the denominations to be delivered; the commission, as often as it makes a sale of sanitary bonds, shall make a written report thereof and cause it to be spread upon its minutes, which report shall state the price at which the bonds were sold and the number and denominations of bonds sold and delivered; the members of the commission shall not receive any compensation for their services, except actual traveling and other expenses incurred and expended in transacting the business of the commission, each member of the commission to render an itemized statement of his expenses each time he collects for expenses, such expenses of each to be allowed by the commission before it can be paid; that no suit shall be maintained against said Sanitary District, or the commission, for any act done or omitted by the commission, or any agent, servant or employee thereof, until and unless a claim therefor is filed with said commission within ninety days from the commission or omission complained of, and in the event the commission declines to pay, suit may be commenced against said Sanitary District, but it shall not be maintained unless it is filed in a court having jurisdiction within six months from the time the claim is filed with said commission; said commission and Sanitary District to be given full power and authority to charge and collect from the users of, or those connecting with, its sewage lines, works, system or any part thereof, and treatment plants, or

for making use thereof, reasonable amounts as compensation for the same, and to adopt all reasonable rules and regulations protecting the commission and the Sanitary District therein and assuring the collection of said charges, and said commission and Sanitary District to have the power and authority to exercise, employ and use all rights, authority and privileges, including the power of taxation, conferred heretofore upon Sanitary District in this state by the laws of Alabama, or which may hereafter be conferred thereby.

STATE OF ALABAMA, }
ETOWAH COUNTY. }

Personally appeared before the undersigned authority, C. R. Hofferbert, who being sworn deposes and says that the Gadsden Times is a newspaper published daily in the City of Gadsden, Etowah County, Alabama, by the Gadsden Times Publishing Company, 420 Chestnut Street, in said city, county and state; that affiant is Managing Editor of said newspaper and has knowledge of the facts stated herein and as such, has authority to make this affidavit and that the printed copy of notice of a proposed bill to establish the Attalla-Gadsden Sanitary District, attached to this affidavit, is a true and correct copy of said notice of said proposed bill as the same was published in said newspaper once a week for each of four successive weeks, one of said notices having been published on each of the following dates: February 27, March 5, 12 and 19, 1936.

This March 30, 1936.

C. R. Hofferbert,
Managing Editor of the Gadsden Times.

Subscribed and sworn to before me this the 30th day of March, 1936.

C. L. Cottle,
Notary Public.

(Seal)

Also:

By Mr. Almon:

H. 404. To repeal an act entitled an act, To regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the extra session of the Legislature of Alabama, to be held in Montgomery, Alabama, beginning Tuesday, February 11, 1936, that the following local bill will be introduced:

AN ACT

To repeal an act entitled an act, To regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled an act to regulate the business of money

brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties, approved March the 9th, 1901, be, and the same is hereby repealed in so far as it applies to Morgan County, Alabama.

T. C. Almon,
Member of the Legislature.

STATE OF ALABAMA, }
MORGAN COUNTY. }

Before me, R. T. Sheppard a Notary Public in and for said State and county appeared Robert Rice known to me to be the Classified Ad Mgr. of the Decatur Daily a daily newspaper published at Decatur, Morgan County, Alabama; who after being duly sworn by me deposes and says that notice of attached act appeared as per attached copy appeared in The Decatur Daily on the following dates Feb. 7-14-21-28, 1936 and the reason that it is not possible to furnish copies of the above dates is, the files of those dates are completely exhausted.

Sworn to and subscribed before me this the 21st day of March, 1936.
Robert Rice.
R. T. Sheppard,
Notary Public.
My Commission expires the 14th day of December, 1936.

Also:

By Mr. Braswell:

H. 318. To provide that the per diem compensation of members of the Court of County Commissioners of Coffee County, Alabama, be allowed and paid out of the gasoline excise tax funds of the County instead of out of the general funds of the County as now provided by law, and to repeal all laws in conflict with this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LAW FOR COFFEE COUNTY

Notice is hereby given that a Bill will be introduced at the present Special Session of the Legislature of Alabama for a local law for Coffee County, Alabama, providing, in substance, that members of the Court of County Commissioners be paid their per diem compensation as now provided by law out of the gasoline excise tax funds of Coffee County, Alabama, instead of paying the same out of the general funds of said County, and for the repeal of all laws in conflict with said proposed local law, and providing that said law take effect immediately upon its approval by the Governor.

W. C. BRASWELL,
Representative.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
COFFEE COUNTY.

Before me, a Notary Public in and for said State and County, personally appeared R. C. Bryon, who states on oath that he is the Publisher of THE

ELBA CLIPPER, a newspaper published weekly at Elba, Alabama, in said County and State, and that the Notice hereto attached was published in said newspaper for a period of Four consecutive weeks on the following dates, to-wit: February 20, 1936; February 27, 1936; March 5, 1936; March 12, 1936.

R. C. BRYAN,
Publisher.

Sworn to and subscribed before me, on this the 14 day of March, 1936.

T. D. KENDRICK,
Notary Public.

(Seal)

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House bills 399, 379, 393, 394 and 404 to the Committee on Local Legislation.

H. 318, to the Committee on Finance and Taxation.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report to-wit:

S. J. R. 43. Requesting the Supreme Court for an advisory opinion on House Bill 180, known as the "Liquor Control Bill".

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

By Mr. Fletcher:

S. 150. For the relief of W. E. Butler, Probate Judge of Madison County, Alabama.

Also:

By Mr. Woodall:

S. 148. To ratify and approve the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the South-

ern Bell Telephone and Telegraph Company, Incorporated, upon warrants drawn on claims that were approved by the Court of County Commissioners of said County for a telephone for the office of the County or Deputy Solicitor of said County during the time between the date of January 15, 1928 and January 15, 1934, both inclusive. Said sum of \$171.71 having been paid as aforesaid under and by virtue of an Act of the Legislature of Alabama, entitled "An Act to amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the office of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General Acts of Alabama of 1927, page 218, which said Act having heretofore been declared invalid by the Attorney General of Alabama, as to the payment of said sum.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

BILLS TEMPORARILY POSTPONED

Mr. Woodall moved that further consideration of the bill:

S. 161. To provide for and regulate the possession, manufacture, sale and other disposition of spiritous, vinous and malt liquors in the several counties of the State of Alabama whenever such possession, manufacture, sale or other disposition is authorized in and by the election by the qualified voters of the several counties of the State to be held as provided in this Act; to provide for and create the Alabama Alcoholic Beverage Control Board and to define its powers, duties and authority; to prohibit the possession, manufacture, sale or other disposition of such liquors in the State of Alabama except as authorized by this Act and to repeal all laws and parts of laws, general, special, local and private in conflict with the provisions of this Act.

Be postponed until the 24th Legislative day.

Mr. Russell moved to table the motion to postpone which motion was lost.

Yeas, 13; Nays, 19.

Yeas:

Messrs.:

Dorsey
Frazer
Locke
Mooneyham

McDowell
Rogers (Mobile)
Russell

Simpson
Starnes
Swift

Tucker
Walden
Wellborn

Nays:

Messrs.:

Bonner	Fletcher	Parrish	Thomas
Browder	Glover	Riddle	Walton
Carlton	Goldsmith	St. John	Weaver
Chesnut	Kelly	Stoddard	Woodall
Cook	Mixon	Taylor	

—19

And the motion of Mr. Woodall then prevailed and further consideration of said bill was postponed until the 24th Legislative day.

Yeas, 19; Nays, 13.

Yeas:

Messrs.:

Bonner	Fletcher	Parrish	Thomas
Browder	Glover	Riddle	Walton
Carlton	Goldsmith	St. John	Weaver
Chesnut	Kelly	Stoddard	Woodall
Cook	Mixon	Taylor	

—19

Nays:

Messrs.:

Dorsey	McDowell	Simpson	Tucker
Frazer	Rogers (Mobile)	Starnes	Walden
Locke	Russell	Swift	Wellborn
Mooneyham			

—13

Mr. Woodall moved that further consideration of the bill:

H. 180. To legalize and regulate the manufacture, sale and possession of alcohol, and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his term of office, compensation, and powers, and provide for his appointment; to provide and levy a license upon the sale of alcoholic and alcoholic and malt beverages, and to levy an excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act.

Be postponed until the 24th Legislative day, which motion prevailed and said bill was so postponed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 47. Relative to two Houses adjourning today to meet again Friday, April 10th, 1936, at 10 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Steele:

H. 147. To amend Schedule 135 of Article XIII Chapter I License Schedule of an Act to provide for the General Revenue of the State of Alabama approved July 10, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time and referred to appropriate standing committee as follows:

H. 147, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the following House bill:

By Mr. Todd:

H. 123. To amend an act entitled "An Act to amend Sections II, III, V, and VI of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties; and to provide a penalty for the violation of the provisions hereof,' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

Said Conference Report being in words and figures as follows:

"REPORT OF THE JOINT COMMITTEE ON CONFERENCE

ON H. B. 123

To the Senate and House of Representatives of Alabama:

We, your Conference Committee, appointed on the disagreement on H. B. 123, beg leave to report as follows:

We recommend that the Senate Amendment be withdrawn and that in lieu thereof substitute the following amendment, and as thus amended, said Committee recommends that the bill be passed:

Strike from Section 1 thereof (on page 2) the words "and an inspector" where the same first occur together therein and insert in lieu thereof the following words:

"and the County Health Officer of the County affected shall appoint an inspector who shall be a practicing barber of three or more years experience and who shall receive a salary to be fixed by the County Health Officer and be dischargeable at his pleasure"

Further strike from Section 1 thereof the words:

"And fix their compensation" where the same occur together therein (page 2) and insert in lieu thereof the words:

"and fix the compensation of the Secretary-examiner"

Further insert in Section 1 thereof immediately following the words "fund of the County" where same occur together therein (page 2) the following additional words:

"except that the check for the salary of the inspector may be signed either by the Chairman of the Board, or in event of his absence, failure, or refusal, such check may be signed by the said County Health Officer".

L. A. WEAVER,
HAYSE TUCKER,
J. A. SIMPSON,
Conferees on part of Senate.
J. R. TODD,
V. J. DOUGLASS
V. L. ADAMS

Conferees on part of House of Representatives."

And said bill, H. 123, as amended by the Report of Committee of Conference was again read a third time at length and passed.

And said bill, H. 123, together with the Report of Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Senate concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 123, the title of which and said Conference Report is set out in the foregoing Message from the House.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mixon	Starnes	Walden
Carlton	McDowell	Stoddard	Walton
Cook	Riddle	Swift	Weaver
Fletcher	Rogers (Mobile)	Taylor	Wellborn
Frazer	Russell	Thomas	Woodall
Kelly	St. John		

Nays:—None.

And said bill, as thus amended by the Conference Report was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mixon	Starnes	Walden
Carlton	McDowell	Stoddard	Walton
Cook	Riddle	Swift	Weaver
Fletcher	Rogers (Mobile)	Taylor	Wellborn
Frazer	Russell	Thomas	Woodall
Kelly	St. John		

—26

Nays:—None.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twentieth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the twentieth Legislative day approved by the Senate.

ADJOURNMENT

At 5:20 P. M., on motion of Mr. Russell and pursuant to joint resolution heretofore adopted, the Senate adjourned until Friday, April 10th, 1936, at 10 A. M.

TWENTY-FIRST DAY

Friday, April 10th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Goldsmith	Riddle	Thomas
Browder	Kelly	Rogers (Mobile)	Tucker
Carlton	Kuykendall	Russell	Walden
Chesnut	Locke	St. John	Walton
Dorsey	Mixon	Simpson	Weaver
Fletcher	Mooneyham	Starnes	Wellborn
Frazer	McDowell	Stoddard	Woodall
Glover	Parrish	Taylor	

-31

JOURNAL

On motion of Mr. Mooneyham the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Chesnut, leave of absence was granted Mr. Stephens for today.

On motion of Mr. Browder, leave of absence was granted Mr. Swift for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Browder:

S. 186. To submit to the qualified voters of the State of Alabama at the next general election to be held on the _____ day of _____ 1936 for their consideration, an amendment to the Constitution to be known as Section _____ of the Constitution; to re-

quire that all salaries paid out of the general fund of the State of Alabama shall be subject to proration under the Constitution and laws which prorate the funds where there is not sufficient money in the general fund to meet all the appropriations from said fund.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Thomas:

S. 187. To abolish the Court of County Commissioners of Chilton County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

State of Alabama, Chilton County.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance as follows, to-wit:

A BILL

To Be Entitled

AN ACT

To abolish the Court of County Commissioners of Chilton County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE.

That the Court of County Commissioners of Chilton County, Alabama be and the same is hereby abolished.

SECTION TWO.

That this act shall become effective immediately upon its final passage and approval by the Governor of Alabama.

3-19-4t

EARLE THOMAS,
Senator.

STATE OF ALABAMA, CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published at Clanton in said State and County and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues, dated March 19, 1936; March 26, 1936; April 2, 1936 and April 9, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 9th day of April, 1936.

E. C. PARRISH,
Notary Public.

By Mr. Thomas:

S. 188. To create the office of County Solicitor of Chilton County, Alabama; to provide for his appointment and election, and the method of appointment in the event of a vacancy; to fix his salary and define his duties.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

State of Alabama, Chilton County.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance as follows, to-wit:

A BILL,

To Be Entitled

AN ACT

To create the office of County Solicitor of Chilton County, Alabama; to provide for his appointment and election, and the method of appointment in the event of a vacancy; to fix his salary and define his duties.

Be it Enacted by the Legislature of Alabama:

Section 1. That the office of County Solicitor is hereby created for the County of Chilton, State of Alabama.

Section 2. That the County Solicitor shall be elected by the qualified electors of the County of Chilton at the general election to be held for the election of State and County officers in November, 1936 and every four years thereafter, and he shall hold office from the first Monday after the second Tuesday in January next after his election and until his successor is elected and qualified.

Section 3. Vacancies in the office of said County Solicitor shall be filled by appointment by the Governor of Alabama and the appointee shall hold office until the next General election, for State and County officers after his appointment.

Section 4. It shall be the duty of the County Solicitor of Chilton County to perform all the duties now or hereafter prescribed by law for Deputy Solicitors in the State of Alabama.

Section 5. The County Solicitor of Chilton County, Alabama shall receive the sum of \$1200.00 per annum, payable monthly in the sum of \$100.00 by the County Treasurer of Chilton County, on warrant drawn by the Probate Judge of Chilton County, Alabama, on said Treasurer, on the first day of each calendar month.

Section 6. That immediately after the final passage and approval of this act the governor shall appoint a County Solicitor for Chilton County,

Alabama who shall hold office until the first Monday after the second Tuesday in January, 1937.

Section 7. The County Solicitor of Chilton County appointed and elected under this act, in addition to the duties herein above required shall represent and defend Chilton County in all civil and Equity suits, where said county is a party, either plaintiff or defendant, or Complainant or respondent and shall advise the Commissioners Court or Board of Revenue of Chilton County, Alabama on all legal matters affecting Chilton County, when requested to do so, by said court or Board of Revenue and also shall advise the County Treasurer or other legal custodians of the funds in Chilton County Alabama on all legal questions as to the proper and legal receipt, handling and disbursing of the funds or monies of Chilton County, Alabama, when requested to do so, by said Treasurer or other legal custodians of the funds of Chilton County, Alabama.

Section 8. The Commissioners Court or Board of Revenue of Chilton County, Alabama may upon request, in writing, by the County Solicitor of Chilton County hire or employ special counsel or other attorneys at Law to assist the County Solicitor in the prosecution or defense of any suit whether in law or equity, when Chilton County is a party to same and shall be authorized to pay said special counsel or attorneys at law a reasonable fee for their services, and the amount of the fee shall be determined and agreed upon at the time of entering into the contract of employment.

Section 9. Other, than as provided herein the Commissioners Court or Board of Revenue of Chilton County, Alabama, shall not expend any monies belonging to Chilton County, Alabama in payment for legal services for County Attorney, or legal advisor to it.

Section 10. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 11. This Act shall become effective immediately upon its final passage and approval by the Governor of Alabama.

3-19-4t

EARLE THOMAS,
Senator.

STATE OF ALABAMA, CHILTON COUNTY:

Before me, the undersigned Notary Public, in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published at Clanton in the said State and County, and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues dated March 19, 1936; March 26, 1936; April 2, 1936 and April 9, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 9th day of April, 1936.

E. C. PARRISH,
Notary Public.

By Mr. Thomas:

S. 189. To abolish the office of Deputy Solicitor of Chilton County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

State of Alabama, Chilton County.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance as follows, to-wit:

A BILL

To Be Entitled

AN ACT

To abolish the office of Deputy Solicitor of Chilton County, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the office of Deputy Solicitor of Chilton County, Alabama be and the same is hereby abolished.

Section 2. That all laws and parts of laws in conflict with the provision of this act, in so far as they apply to Chilton County, Alabama, be and the same is hereby repealed.

Section 3. That this act shall become effective immediately upon its final passage and approval by the Governor of Alabama.

3-19-4t

EARLE THOMAS,
Senator.

STATE OF ALABAMA,
CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said state and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Chilton County News, a newspaper published at Clanton in said state and county and that the attached "Notice Of Local Bill" was published in said newspaper for four consecutive issues dated, March 19, 1936; March 26, 1936; April 2, 1936 and April 9, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 9th day of April, 1936.

E. C. PARRISH,
Notary Public.

By Mr. Thomas:

S. 190. To establish a board of Revenue for Chilton County, Alabama, to consist of three members, one of which members shall be the chairman of said Board of Revenue; to divide Chilton County, Alabama into three districts to be known as Board of Revenue districts and define and establish the boundaries thereof; to provide that each of said districts shall have a member on said board; to confer upon the Board of Revenue all the powers, authority and jurisdiction now possessed or which may hereafter be possessed by Courts of County Commissioners, Boards of Revenue or other like governing bodies of the several counties of Alabama under the general laws; to provide for a clerk for said Board of Revenue and prescribe and fix his duties and compensation and the compensation of the members of said Board of Revenue; to

provide for the appointment and election of the members of said Board of Revenue and to fix their term of office, to provide the time this act shall become a law.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

State of Alabama, Chilton County.

Notice is hereby given that a Bill will be introduced and its enactment sought, at the 1936 extraordinary session of the Legislature of Alabama, which Bill is in substance as follows, to-wit:

A BILL

To Be Entitled

AN ACT

To establish a board of Revenue for Chilton County, Alabama, to consist of three members, one of which members shall be the chairman of said Board of Revenue; to divided Chilton County, Alabama into three districts to be known as Board of Revenue districts and define and establish the boundaries thereof; to provide that each of said districts shall have a member on said board; to confer upon the Board of Revenue all the powers, authority and jurisdiction now possessed or which may hereafter be possessed by Courts of County Commissioners, Boards of Revenue or other like governing bodies of the several counties of Alabama under the general laws; to provide for a clerk for said Board of Revenue and prescribe and fix his duties and compensation and the compensation of the members of said Board of Revenue; to provide for the appointment and election of the members of said Board of Revenue and to fix their term of office, to provide the time this act shall become a law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION ONE.

That there is hereby created and established a Board of Revenue for Chilton County, Alabama, to consist of three members who shall each be a bona fide resident citizen of the district from which he is appointed or elected and shall during the time he serves as such, continue to reside in the district for which he is appointed or elected. Any member of said Board of Revenue who shall remove from said district during the term for which he was appointed or elected shall vacate said office. Each member of said Board shall be a qualified elector of Chilton County at the time of his appointment or election. The Board of Revenue herein created and established shall be known and called the Board of Revenue of Chilton County, Alabama. Each District hereinafter created shall be entitled to one member on said board.

SECTION TWO.

That for the purpose of this act and the enforcement thereof, the said

Chilton County, Alabama, is hereby divided into three subdivisions to be known as Board of Revenue Districts and numbered respectively from one to three, both inclusive, viz.: District Number one shall embrace and be composed of all that territory which constituted on November 2nd, 1926, beats or precincts numbered three (3), four (4), five (5), ten (10), and sixteen (16) of said County; District number two shall embrace and be composed of all that territory which constituted on November 2nd, 1926, beats or precincts numbered, six (6), seven (7), eight (8), fourteen (14), and fifteen (15) of said County; District number three shall embrace and be composed of all that territory which constituted on November 2nd, 1926, beats or precincts numbered one (1), two (2), nine (9), eleven (11), twelve (12) and thirteen (13), of said County.

SECTION THREE.

That there is hereby conferred upon the Board of Revenue of Chilton County, Alabama, all the jurisdiction, powers and authority now conferred or which may hereafter be conferred upon the Courts of County Commissioners, Boards of Revenue or other like governing bodies of the several counties of the State of Alabama, under the general law.

SECTION FOUR.

That the Board of Revenue of Chilton County, Alabama, shall have authority: (1) To direct and control the property of the county as it may deem expedient according to law, and in this direction and control it has the sole power to locate the courts in the rooms of the courthouse and to designate the rooms to be occupied by the different officers entitled to rooms therein, and to change the location of the courts, and the designation of rooms for officers, as it may deem best and most expedient, and this shall be done by order of the Board entered upon its minutes at a regular term of the Board.

(2) It shall be the duty of the Board to provide a janitor for the courthouse and to see that the janitor keeps clean and in a sanitary condition all the courtrooms, corridors, halls and offices in the courthouses of this respective county.

(3) To levy a general tax, for general, and a special tax, for special county purposes, according to the provisions of law.

(4) To examine, settle, and allow all accounts and claims chargeable against the county.

(5) To examine and audit the accounts of all officers, having the care, management, collection or disbursement of money belonging to the county, or appropriated for its use and benefit.

(6) To make such rules and regulations for the support of the poor in the county as are not inconsistent with any law of the state.

(7) To punish for contempt by fine, not exceeding ten dollars, and imprisonment not exceeding six hours.

(8) To establish, abolish, enlarge, or change stock law districts in the manner provided by law.

(9) To subpoena, examine and compel the attendance of witnesses, and the production of books and papers before the court, in the same manner as the probate court.

(10) To contract for and have made map or plat books showing all subdivisions of land that have been heretofore or that may hereafter be made in their respective counties.

(11) To compromise on such terms as they may deem just, all doubtful claims in favor of the county, when such claims arise on account of

moneys heretofore paid, in good faith, by order of said Board of Commissioners Court.

(12) To make an appropriation, in no case to exceed seven hundred and fifty dollars per year, to install and maintain an exhibit of the agricultural and mineral resources of this county.

(13) In the event that the poorhouse of the County should become insufficient or be destroyed or over crowded to appropriate not exceeding six dollars per calendar month per person for the upkeep and support of paupers or indigent persons residents of Chilton County, provided it shall not be lawful for said board to let the lowest bidder the maintenance of the poor.

(14) To pay, at the regular legal rate, for the advertising of notice and substance of local bills, which may be introduced in the legislature for the benefit of this county, or in reference to the subjects or matters exclusively relating to county business or affairs.

(15) To appropriate in each calendar year, such sums of money as they may deem proper or expedient, toward defraying the necessary expenses of the operation, support, upkeep and maintenance of each division of the naval militia of the state that may be located in such county.

(16) To procure and provide telephones for the offices of the circuit judge, the clerk and register of the circuit court, the offices of the sheriff and jailer, tax assessor and tax collector, and the judge of probate in their county, and to pay for the same out of the general funds of the county.

(17) To make appropriations out of the county treasurer, to pay premiums on livestock that may be exhibited in live stock shows held in the county.

(18) Where the state or federal authorities have taken up the work of farm demonstration, or the organization of farm life clubs, for the promotion of agriculture, to appropriate for aiding in such work such sum or sums as the board of revenue may deem adequate and necessary.

(19) To expend money for the purpose of improving the sanitary conditions of their county by laying trunk lines of sewers and constructing sewage disposal plants in localities contiguous to thickly populated communities and to prescribe the terms on which the owners of houses or householders may connect with such lines of sewers; but no such lines of sewers shall be laid without the written approval of the executive officers of the state board of health, such approval to be based on the belief that the laying of any proposed line will materially improve health conditions.

(20) To appropriate money to promote or enforce the health and quarantine laws of the state for the benefit of the county and its inhabitants, when requested so to do by the state board of health.

(21) To pay out of any funds in the county treasury, all the expenses, including a reasonable attorney's fee, incurred by the county treasurer in resisting the payment of any warrant, where said resistance on the part of the county treasurer is successful.

(22) To set aside such part of the revenue of the county as may be deemed expedient for the purpose of creating a sinking fund for the payment of bonds or other indebtedness, and to invest such sinking fund in such interest-bearing securities, or deposit the same on interest-bearing account, within the state, as said Board of Revenue may deem wise.

(23) To set aside, appropriate and use county funds or revenue for the purpose of developing, advertising, and promoting the agricultural, mineral, timber, water, labor and all other resources of every kind of their county, and for the purpose of locating and promoting agricultural, industrial, and manufacturing plants, factories, and other industries in their county.

(24) To exercise such other powers as are, or may be, given by law.

(25) To purchase books containing the reports of the Supreme and

Appellate Courts of Alabama, for the use of the Circuit Court and Probate Court also such digests of such reports as may be required.

SECTION FIVE.

That within ten (10) days after the final passage and approval of this act, the Governor of Alabama shall appoint for each of districts, Numbered one, two and three, a member of said Board of Revenue of Chilton County, Alabama and the member appointed from District Number one (1) shall hold office until the first Monday after the second Tuesday in January 1941 and until his successor is elected and qualified and the member appointed from District Number two (2) shall hold office until the first Monday after the second Tuesday in January 1943 and until his successor is elected and qualified and the member appointed from District Number three (3) shall hold office until the first Monday after the second Tuesday in January 1945. That members of said Board of Revenue shall within ten (10) days after their appointment and qualification elect one of their members as Chairman of said Board of Revenue and the Chairman shall hold office, until the first Monday after the second Tuesday in January, 1941. That at the first meeting of the Board of Revenue of Chilton County, Alabama held on or after the first Monday after the second Tuesday in January 1941 and every two years thereafter, the members of the Board of Revenue of Chilton County, Alabama shall elect one of its members as Chairman of said Board of Revenue of Chilton County, Alabama, who shall be Chairman thereafter for two years and until his successor is elected.

SECTION SIX.

That at the general election to be held for the election of state and county officers, in Chilton County, Alabama in November, 1940 and each four years thereafter, there shall be elected by the qualified electors of District Number one (1) a member of the Board of Revenue of Chilton County, Alabama, who shall hold office from the first Monday after the second Tuesday in January 1941, to the first Monday after the second Tuesday in January 1945; that at the general election to be held for the election of state and county officers, in Chilton County, Alabama in November, 1942 and each four years thereafter, there shall be elected by the qualified electors of District Number two (2), a member of the Board of Revenue of Chilton County, Alabama, who shall hold office from the first Monday after the second Tuesday in January 1943 and to the first Monday after the second Tuesday in January, 1947; and at the general election to be held for the election of state and county officers, in Chilton County, Alabama in November, 1944 and each four years thereafter, there shall be elected by the qualified electors of District Number three (3), a member of the Board of Revenue of Chilton County, Alabama, who shall hold office from the first Monday after the second Tuesday in January 1945 to the first Monday after the second Tuesday in 1949. That each member of the clerk hereinafter provided for, of the Board of Revenue of Chilton County, Alabama shall before entering upon the duties thereof take the oath of office prescribed by law and file the same with the Probate Judge of Chilton County, Alabama and each of said members and clerk shall enter into a bond with good and sufficient surety, to be filed with and approved by the clerk of the Circuit Court and Chilton County, Alabama, in the sum of \$1000.00 and payable to the State of Alabama and conditioned to faithfully perform and discharge all the duties of said office during his continuance therein.

SECTION SEVEN.

That there shall be a clerk for said Board of Revenue whose compensa-

tion shall not be less than six hundred dollars or more than nine hundred dollars per annum, payable monthly upon the warrant of the Chairman of said Board of Revenue. The chairman of said Board of Revenue shall within ten days after taking office as such appoint the Clerk for said board and shall prescribe and fix his compensation within the amounts above stated, which appointment and designation of salary shall be spread on the minutes of said board; that in the event the Chairman shall fail for said ten days to make the appointment of a clerk and prescribe his salary, then the board shall do so. The Clerk shall hold office as follows: The first clerk appointed shall hold office until the First Monday after the Second Tuesday in January 1941, and until his successor is appointed. Thereafter the Clerk shall hold office for two years. That the chairman of said board shall in the event of a vacancy of the office of clerk and at the expiration of the term of office of the clerk, within ten days thereafter make the appointment of the clerk, and failing to do so and prescribe the salary, the board shall make the appointment and fix the salary. It shall be the duty of the Clerk of said Board of Revenue to attend the meeting thereof and issue all notices required by it. The clerk, shall under the direction of said Board of Revenue, keep the minutes and records of the proceedings thereof, in well bound volumes provided for that purpose, said records to be kept in the office of the Board of Revenue, and to be open at all reasonable hours to the inspection of the citizens of the county and other interested persons; and the clerk shall perform such other duties as may be required of him by said Board of Revenue.

SECTION EIGHT.

The Chairman of said Board of Revenue of Chilton County, Alabama, shall receive a salary for his services of the sum of (\$1,000.00) One Thousand dollars, per annum, payable monthly out of the county treasury of Chilton County, Alabama, upon his warrant drawn thereon. The Chairman of said board shall be the presiding officer thereof and shall sign all warrants on the county treasury of money or funds of the county, and shall sign all contracts entered into by the Board of Revenue of Chilton County and shall sign all minutes of the meeting. It shall be the duty of the Chairman to prepare the order of business and obtain information for the regular and special sessions of the Board of Revenue and to see that all orders thereof are executed and in addition he shall perform all the duties now required of the Probate Judge as to matters coming before the Court of County Commissioners. That the compensation of the members of said Board of Revenue, except the Chairman shall be nine hundred dollars (\$900.00) each, per annum, payable monthly in the sum of seventy-five dollars by warrant drawn by the Chairman.

SECTION NINE.

That the regular meeting of said Board of Revenue shall be held on the first Monday of each month in the year except in the month of January, which shall be held on the first Monday after the second Tuesday in January, of each year and said board may continue in session at its regular meetings for 10 days. That special meetings of said Board of Revenue may be called and held as special meeting of the Court of County Commissioners are called and held. That the meetings of the Board of Revenue may be held by the Chairman and one other member or by two members without the Chairman.

SECTION TEN.

That said Board of Revenue of Chilton County, Alabama, when sitting

as a court or exercising or performing judicial authority shall be a court of record.

SECTION ELEVEN.

That in the event of a vacancy in the office of Chairman or member of said Board of Revenue the same shall be filed by appointment of the Governor of Alabama.

SECTION TWELVE.

That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SECTION THIRTEEN.

That this act shall take effect immediately after its final passage and approval, by the Governor of Alabama.

SECTION FOURTEEN.

That if any section or provision of this act, be void or unconstitutional, it shall not affect or destroy any other section or provision not in and of itself void or unconstitutional.

3-19-4t

EARLE THOMAS,
Senator.

STATE OF ALABAMA, CHILTON COUNTY:

Before me, the undersigned Notary Public in and for said State and County, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of the Chilton County News, a newspaper published at Clanton, in said State and County and that the attached "Notice of Local Bill" was published in said newspaper for four consecutive issues; dated March 19, 1936; March 26, 1936; April 2, 1936 and April 9, 1936.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 9th day of April, 1936.

E. C. PARRISH,
Notary Public.

By Mr. Kelly (by request):

S. 191. To require all public officers of the several counties of the State of Alabama, whether elected or appointed, whose compensation is not definite and fixed by law, to file in the office of the Judge of Probate of their respective counties, on or before the 10th day of January, 1937 and on or before the 10th day of January, of each and every year thereafter, a sworn statement containing and setting forth the following information; (a) The aggregate amount of all fees, commissions and allowances collected or received by him, as such officer, for the preceding calendar year; (b) The names of all assistants and employees employed by him in the operation of his office and the salary or compensation paid to each; and (c) All other expenses incurred and paid by him in the performance of his official duties; To require the Probate

Judge of the several counties to record such statements, within ten days after they are filed, in a permanently bound volume which shall at all times be open for inspection by the public; to fix the compensation for recording same; to fix the penalty for the violation of the provisions thereof; and to provide for the collection of same.

Committee on Revision of Laws.

By Mr. Woodall:

S. 192. To relieve the Tax Assessors of all Counties in the State having a population of not less than 32,750 and not more than 36,000, according to the last or any subsequent Federal Census, from the duty of preparing the Book of Assessments, and in lieu thereof, to require the Assessors to arrange in alphabetical order, according to Beats; the original assessments lists, and have the same permanently bound and kept as permanent records, and to prepare Tax Collectors abstracts from said assessment lists.

Committee on Finance and Taxation.

By Mr. Walden:

S. 193. To authorize and direct the Board of Revenue, or like governing body, of Houston County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnership, Companies, Agencies, Associations, and Refiners, selling, delivering, withdrawing from storage or keeping in storage for sale in or delivery in such County, gasoline, naptha, or other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon on all such motor fuels delivered for sale or use in or sold in said county; To authorize said Board of Revenue, or like governing body, to provide the necessary rules, regulations and machinery for the collection of such privilege tax; to make provisions for the distribution of the funds derived from such privilege tax; to prohibit any incorporated city or Town in said County from levying or collecting a municipal privilege tax on such motor fuels, kerosene oil or lubricating oils or greases, or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, kerosene oil or lubricating oils and greases except wholesale, retail and truck privilege licenses, not measured on a quantity or volume basis in Cities or Towns where bulk plant or plants are maintained and operated, and retail privilege licenses, not measured on a quantity or volume basis, in other Cities and Towns where bulk plant or plants are not maintained or operated, and truck privilege licenses on all persons delivering or selling such products when

such persons do not maintain and operate a bulk plant in the State of Alabama; to repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other motor fuels used by self-propelled vehicles, kerosene oil, lubricating oils and greases which may now be collected or levied by any incorporated City or town in said County; to provide for the use of the money derived from such privilege tax, and to provide fees or compensation for the collection thereof, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced in the Legislature of the State of Alabama:

A BILL TO BE ENTITLED AN ACT

To authorize and direct the Board of Revenue, or like governing body, of Houston County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners, selling, delivering, withdrawing from storage or keeping in storage for sale in or delivery in such County, gasoline, naphtha, or other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon on all such motor fuels delivered for sale or use in or sold in said county; To authorize said Board of Revenue, or like governing body, to provide the necessary rules, regulations and machinery for the collection of such privilege tax; to make provisions for the distribution of the funds derived from such privilege tax; to prohibit any incorporated City or Town in said County from levying or collecting a municipal privilege tax on such motor fuels, kerosene oil or lubricating oil or greases, or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, kerosene oil or lubricating oils and greases, except wholesale, retail and truck privilege licenses, not measured on a quantity or volume basis in Cities and Towns where bulk plant or plants are maintained and operated, and retail privilege licenses, not measured on a quantity or volume basis, in other Cities and Towns where bulk plant or plants are not maintained or operated, and truck privilege licenses on all persons delivering or selling such products when such persons do not maintain and operate a bulk plant in the State of Alabama; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco Pep, or any other motor fuel used by self propelled vehicles, kerosene oil, lubricating oils and greases which may now be collected or levied by any incorporated City or Town in said County; To provide for the use of the money derived from such privilege tax, and to provide fees or compensation for the collection thereof,

and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

SENATOR D. A. WALDEN.

PROOF OF PUBLICATION

THE STATE OF ALABAMA, }
HOUSTON COUNTY }

Personally appeared before me, Maude Baughman, a Notary Public in and for said County and State, Harry P. Hall, who, being by me first duly sworn, deposes and says that he is publisher of The Dothan Journal, a newspaper published at Dothan, Ala., in said County and State, and that the notice, a true copy of which is hereto attached, was published in said paper for four consecutive weeks, of the following dates: March 20-27; April 3-10, 1936.

Harry P. Hall.

Given under my hand this 10th day of April, 1936.

(Seal)

Maude Baughman,
Notary Public.

By Mr. Walton:

S. 194. To make an appropriation to the State Department of Public Welfare to be used for the purposes of public assistance including general home relief, outdoor and indoor care of persons in need of assistance and old age pensions and other purposes set out in an Act to create the State Department of Public Welfare, approved August 27, 1935; and to provide that said appropriation shall be paid immediately from the General Fund of the State and shall not be subject to the terms of the Budget and Financial Control Act, and can be discontinued in whole or in part at the discretion of the Governor.

Committee on Finance and Taxation.

By Mr. Walton:

S. 195. To amend Sub-section XVI of Section 1 of "An Act, to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools." Approved September 6, 1935.

Committee on Finance and Taxation.

By Mr. Kuykendall:

S. 196. To amend an Act, entitled "An Act, To abolish the office of deputy solicitor of Walker County, Alabama and to create in lieu thereof the office of County Solicitor of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his powers, duties and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of office, to provide for the election of his successor in office

and to fix the time he shall take office and to repeal all general and local laws in conflict herewith in so far as they relate to said Walker County, Alabama, approved May 23, 1931."

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to amend An Act approved May 23, 1931, entitled "An Act to abolish the office of deputy solicitor of Walker County, Alabama, and create in lieu thereof the office of County Solicitor of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his powers, duties and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time he shall take office and to repeal all general and local laws in conflict herewithin so far as they relate to said Walker County, Alabama."

That Section Two of said Act be Amended as follows: That on and after the first Monday after the Second Tuesday in January 1937, the term of office of the County Solicitor shall be six years and shall be elected at the general election of 1936, and every six years thereafter and shall hold office for a term of six years and until his successor is elected and qualified, That Section Five of said Act be Amended as follows: That on and after the first Monday after the second Tuesday in January, 1937, the salary of the County Solicitor for Walker County, Alabama, is hereby fixed at \$3600.00 per year, payable in twelve equal monthly installments on the last day of each month upon a warrant drawn upon the treasurer of the County by the Chairman of the Board of Revenue or other like governing body of Walker County, Alabama.
3-19-4t

AFFIDAVIT

STATE OF ALABAMA }
WALKER COUNTY }

Before me, the undersigned authority in and for said State and County, this day personally appeared R. W. Boteler, Assistant Manager of The Mountain Eagle, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class privileges for fifty-two consecutive weeks prior to the publication of the Notice to amend An Act, who, being duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Mountain Eagle four consecutive weeks, namely; March 19, 26, April 2 & 9, 1936.

THE MOUNTAIN EAGLE,

By R. W. Boteler,
Assistant Manager.

Sworn and subscribed to before me, this 9th day of April, 1936.

(Seal)

Mrs. Annie Davis,
Notary Public.

By Mr. Starnes:

S. 197. To abolish the offices of Tax Assessor and Tax Collector; to create and establish the office of Tax Assessor-Collector; to define and prescribe the qualifications and duties of County Tax Assessor-Collector and to fix his compensation; to provide for the term of office of said Tax Assessor-Collector; to provide for the manner of his election and the filling of the vacancy in said office; to provide clerical assistance for said Tax Assessor-Collector and to repeal all laws in conflict herewith and to fix the time when this Act shall become effective.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 131. To amend Sections 6599 and 6600 of the Code of Alabama, 1923.

By Mr. Rayburn:

H. 100. To amend Section 9709 of the Code of Alabama of 1923 relating to transportation companies as defined therein.

By Mr. Jones:

H. 256. To amend Section 7795 of the Code of Alabama of 1923, relating to the issuance by clerks and registers of executions on judgments and decrees.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Rogers, Dorsey, Swift, Frazer, McDowell, Starnes, Russell, Walden, Tucker, Simpson, Wellborn, Locke, Mooneyham, and Taylor (with amendment):

S. 167. In relation to the public school system of Alabama; to make appropriations and provide funds for the support, maintenance, and development of the public school system of the State, and to repeal an Act approved on the 2nd day of September 1935, entitled "An Act in relation to the public school system of Ala-

bama; to make appropriations and provide funds for the support, maintenance and development of the public school system of the State."

By Mr. Thomas:

S. 171. To prohibit expenditure of funds from any department of State of Alabama or other funds for purpose of maintaining any board or bureau whose purpose is to investigate records of convicts of the State of Alabama.

By Messrs. Rogers, Dorsey, Swift, Frazer, McDowell, Russell, Walden, Tucker, Simpson, Wellborn, Locke, Mooneyham, Starnes, and Taylor:

S. 165. To make appropriations for the ordinary expense of the Executive Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Reeder (with notice and proof):

H. 399. To relieve all persons in Lauderdale County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Lauderdale County, Alabama.

By Mr. Walden (with notice and proof):

S. 179. To authorize and empower the Court of County Commissioners of Henry County to expend an amount not to exceed one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of the House Bill 324, of the regular session of the Legislature of 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction, repair or maintenance of the roads and bridges of the County including bonded indebtedness.

By Mr. Rayburn (with notice and proof):

H. 379. To provide for the drawing, summoning and empanelling of the juries for the Circuit Courts of Marshall County, and in every way providing a special jury law for Marshall County, and repealing all laws or parts of laws in conflict with the provisions of this Act.

By Mr. Boswell (with notice and proof):

H. 369. To amend Section Two of an Act of the Local Legislature of 1931 to provide for the election of a County Superin-

tendent of Education for Geneva County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

By Mr. Tolbert (with notice and proof):

H. 393. To provide for the payment to the Clerk and/or Sheriff of DeKalb County of all costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

By Messrs. Almond and Burleson (with notice and proof):

H. 304. To relieve all persons in Morgan County, Alabama, of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such obligation, to work on the public roads in Morgan County, Alabama.

By Mr. Rogers (Mobile) (with notice and proof):

S. 184. To place the Sheriff of Mobile County, Alabama, on a salary basis and to provide for the salary to be paid such officer; to provide the date on which such officer shall be placed on a salary basis; to provide for the manner of payment of the salary of such officer out of the County Treasury of Mobile County, Alabama; to provide for additional Deputies and the allowances for each of such officers and to provide the salaries and manner of payment of such salaries for such Deputies; to provide for payment into the treasury of Mobile County of all fees, fines and forfeitures collected by said Sheriff or any of the officers attached to his office.

By Mr. Thomas (with notice and proof):

S. 185. For the relief of Elizabeth Jeffcoat, widow of C. P. Jeffcoat, and Eva Pickens, Zula Hill, Willie B. Dawson, Bessie Tucker and Minnie Binion, Children of C. P. Jeffcoat, deceased, and to authorize, empower and require the State Auditor of the State of Alabama, in behalf of the state to execute and deliver to the above named parties a deed without warranty or covenant of any kind on the part of the State, conveying to them all the right, title and interest of the State in and to certain real estate described in this Act, which real estate formerly belonged to said C. P. Jeffcoat in his lifetime and through inadvertence or mistake was

assessed to parties other than C. P. Jeffcoat and was sold by the Tax Collector for unpaid taxes and which was purchased by the State.

By Mr. Byars (with notice and proof) (with substitute):

H. 159. To provide that certain officers of Lawrence County shall each receive an increase in pay as follows: The members of the Board of Revenue shall each receive four dollars (\$4.00) per day instead of three dollars (\$3.00) per day for services rendered to be paid from the gas tax fund and the sheriff shall receive fifty dollars (\$50.00) per month for gas, oil and car upkeep expenses to be paid from the gas tax fund and to provide if it is illegal to pay these amounts to any of them from the gas tax fund they shall be paid from the General Fund or any other unexpended county funds.

By Messrs. Almon and Burleson (with notice and proof):

H. 303. To provide for the transfer of all cases pending on the docket of the inferior Court in precinct No. 10, Morgan County, Alabama, prior to June 15, 1935, to the Justice Courts in and for precinct 10 of Morgan County, Alabama; and to further provide for the issuance of writs of execution, writs of venditioni exponas and other processes on judgments rendered by the inferior Court in precinct No. 10, Morgan County, Alabama, June 15, 1935.

By Mr. Lusk (with notice and proof):

H. 394. To establish the Attalla-Gadsden Sanitary District in Etowah County, Alabama, and define the boundaries, powers, duties and authority thereof; to create a commission composed of five resident adult citizens of said district as the governing body of said Sanitary District, and to define the jurisdiction, powers, duties and authority of said Commission and to fix the terms of office and provide for the appointment of the members thereof; to authorize said Sanitary District and said Commission to borrow money and issue bonds or other obligations to pay therefor, for the construction of sewer pipe lines, conduits and excavations and other structures and works in connection therewith and treatment of purification plants and other structures and appliances in connection therewith in said Sanitary District; to authorize and empower said Sanitary District and said Commission to charge and collect for the use of or the connecting with said sewer pipe lines, conduits and other structures and said treatment or purification plants and other structures, and to do all things and exercise all rights and powers heretofore conferred upon sanitary districts in the state, or which may hereafter be conferred upon them, by law, and to do all things necessary, proper or advantageous in the construction, establish-

ment and maintenance of all structures, pipe lines, conduits or appliances in the collection, carrying away, disposal of, or treatment and purification of sewage, drainage and the like in said District, and to confer upon said Sanitary District the powers of a public corporation and of eminent domain for the acquirement of lands, properties, easements and rights of way and to authorize said Sanitary District and said Commission in the name thereof to sue and to be sued in the courts in matters relating to the property, property rights, construction, operation and maintenance of the business of said District in the collection, disposal, treatment and purification of sewage and the drainage in said District.

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walton:

S. 152. To amend Section 1744 of the 1923 Code of Alabama.

By Mr. Chichester (with substitute):

H. 156. To authorize cities, towns and counties of Alabama to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 186. To validate and make a lawful debt of Mobile County, \$6,385.00 in warrants heretofore issued by said county to the Mobile County Department of Public Welfare, and to require the registration and payment thereof out of the consolidated treasury of Mobile County. To repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Also:

H. 123. To amend an act entitled "An Act to amend Sections II, III, V, and VI of an Act entitled 'An Act to define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said Counties;

and to provide a penalty for the violation of the provisions hereof,' which became a law July 24, 1931, under Section 125 of the Constitution," approved September 9th, 1935.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 148. To ratify and approve the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the Southern Bell Telephone and Telegraph Company, Incorporated, upon warrants drawn on claims that were approved by the Court of County Commissioners of said County for a telephone for the office of the County or Deputy Solicitor of said County during the time between the dates of January 15, 1928 and January 15, 1934, both inclusive. Said sum of \$171.71 having been paid as aforesaid under and by virtue of an Act of the Legislature of Alabama, entitled "An Act to amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the office of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General Acts of Alabama of 1927, page 218, which said Act having heretofore been declared invalid by the Attorney General of Alabama, as to the payment of said sum.

S. 150. For the relief of W. E. Butler, Probate Judge of Madison County, Alabama.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

RESOLUTIONS

By Messrs. Woodall, Browder, Kelly, Chesnut, Walton, Riddle, Weaver, Glover, Kuykendall, Parrish, Thomas, St. John, Mixon, Mooneyham, Stoddard, Carlton, Goldsmith and Fletcher offered the following Senate Resolution:

S. R. 48. WHEREAS, the Governor of the State has convened the Legislature in extraordinary session for the purpose of raising revenue for the support of the common schools of the State and for the maintenance of the Health Department, and for relief, and,

WHEREAS, additional revenue is absolutely necessary to provide for the proper functioning of government, including our common school system, Health Department and for the relief of the distressed and starving citizens of the State, and,

WHEREAS, all bills for raising revenue must, under the law, originate in the House and until these bills are passed and reached the Senate, this body is helpless until the House takes affirmative action in the premises, and,

WHEREAS, this legislature has now been in session for twenty legislative days and no affirmative action has been taken by the House to relieve existing conditions, and

WHEREAS, further delay by the Legislature in providing for this emergency would be a disgrace to the fair name of our State and a disgrace to humanity—

THEREFORE, Be It Resolved by the Senate, that it makes an earnest appeal to the House, as co-workers and as representatives of the people of the State to originate a bill providing for sufficient revenue for the support of our public school system, for the maintenance of the Health Department and for relief and other proper functions of government, and send it to the Senate for its consideration.

Be It Further Resolved, that although a few of our members

openly favor a general sales tax, it is not our intention, as has been rumored, and we hereby give our pledges, that we will not by substitution or amendment convert any revenue bill that may be sent from the House into a general sales tax bill and or general gross receipts tax bill.

Be It Further Resolved that a copy of this resolution be forthwith sent to the House.

Which was read and referred to the Standing Committee on Rules.

The Rules Committee reported the following joint resolution:

S. J. R. 49. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Tuesday, April 14, 1936 at ten o'clock, A. M.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

OPINION FROM SUPREME COURT
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1935-36

Response to Senate Resolution No. 43.

To the Senate of Alabama,

Montgomery.

Sirs:

Your inquiry refers, as we presume, to the bill considered by us relating to substitute House Bill No. 180, in which, in our response, we stated that the bill was one relating to the police power of the State, with revenue merely incidental thereto, and that it was, therefore, not a revenue bill within the call of the Governor authorizing its passage by a majority vote.

As we understand your present inquiry, the House amended the title of the Act from one "To provide for the General Revenue of the State of Alabama" to its present form, without change of the purpose of the bill, which is more in keeping with our holding as above indicated. Or, as otherwise stated, the change of the title as made, conforms to the real substance and purpose of the bill, as we have heretofore stated, and was entirely proper.

The amendment of the title, therefore, as thus indicated, by the House in no manner ran counter to Section 61 of the Constitution, and our answer is therefore in the negative.

Respectfully submitted,

JNO. W. ANDERSON,

Chief Justice.

LUCIEN D. GARDNER,

WILLIAM H. THOMAS,

VIRGIL BOULDIN,

JOEL B. BROWN,

ARTHUR B. FOSTER,

THOMAS E. KNIGHT,

Associate Justices.

OPINION

The foregoing opinion from the Supreme Court relative to H. 180, was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate.

By Mr. Owen (Etowah):

H. 308. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama whereby the following school districts: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Abbeville, Newville, and Headland and Hartselle, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each One hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting at such election; provided further that the said district tax shall not be voted or collected in said districts unless and until the County in which said School District is located is levying and collecting not less than a 3-Mill County-wide Special School Tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the following school districts as defined in Section 2 of Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp,

Sylacauga, Abbeville, Newville and Headland and Hartselle, as now or hereafter constituted in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District Tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the

following, viz., "Shall the following be adopted as an Amendment to the Constitution of Alabama: The following School Districts as defined in Section 2, Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle as now or hereafter constituted in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the City Board of Education of such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

_____Yes

_____No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding

of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate standing committee as follows:

H. 308, to the Committee on Constitution, Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Constitutional Amendments:

By Mr. Walker:

H. 398. A Bill to be entitled An Act to submit to the qualified voters of the State at the next general election to be held on the first Tuesday after the first Monday in November, 1936 for their consideration, an Amendment to the Constitution of the State of Alabama to be known as Amendment No. _____ to fix the compensation of the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution

of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, Namely:

"Amendment to Constitution by the addition of Section _____, After the respective effective dates hereof the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County shall each continue to collect all fees, charges, benefits and penalties accruing to such offices or to the holders thereof and shall pay the same into, and the same shall be covered into the general fund of the Treasury of Limestone County. Thereafter the Probate Judge shall be paid out of the General Fund of the Treasury of said County in equal monthly installments the sum of Six Thousand Dollars, (\$6,000.00) and no more per annum as salary and as reimbursement for his clerk hire, and the Tax Collector and the Tax Assessor shall each be paid the sum of Three Thousand Dollars (\$3,000.00) from the same fund for the same purposes and in the same installments. The Probate Judge, the Tax Collector and the Tax Assessor shall each be provided by the governing body of said County with a furnished office and equipment and supplies for the carrying on of the duties of their respective office, but they shall not be provided with any clerical hire. The provisions hereof shall be effective with respect to the Probate Judge at the beginning of the term of office of the Probate Judge elected in November, 1940, and with respect to the Tax Collector and the Tax Assessor at the beginning of the term of office of the Tax Collector and the Tax Assessor elected in November, 1938."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the general election in November, 1936, of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on the first Tuesday after the first Monday in November, 1936, the foregoing Amendment shall be submitted to the qualified electors of the State. Upon the ballots used at such election shall be printed the foregoing Amendment as set forth in Section One hereof in full. Following the proposed Amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark beside the word expressing his desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance

with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

Also:

By Mr. Reid:

H. 294. A bill to be entitled An Act to propose an amendment to the Constitution of the State of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipality, at an election or elections to be held by it from time to time for such purpose, and to order an election of the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for state and county officers in November 1936.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama of 1901 is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the general election to be held in 1936.

The proposed amendment is as follows:

The Town of Montevallo, Alabama, shall have the power and right to levy and collect a tax of one half of one per centum in any one year on property situated therein based on the valuation of such property as assessed for State taxation for the tax year ending on the 30th day of September next succeeding the levy; provided, that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be

levied and collected by said municipality, provided, further, that a majority of the qualified electors of said municipality voting at an election called for that purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose, or purposes for which it is levied and collected; provided, however, that the total tax to be levied shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year. Provided, further, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon it, under the Constitution or any amendment thereto. Each election held under the provisions hereof shall be ordered, held, canvasses and may be contested in the same manner as is or may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words; "For _____ excess rate of taxation for the year (or years) _____;" and "Against _____ excess rate of taxation for the year (or years) _____". The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor, and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the excess rate shown by placing a cross mark before the words expressing his choice. Nothing herein contained shall in anywise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors of said municipality to levy a special tax for a specified purpose, and such proposition is defeated, no second election for the same purpose shall be held in one year thereafter.

Section 2. It shall be the duty of the governor to give notice by proclamation, to be published in one newspaper in each county in the State, at least eight consecutive weeks next preceding the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz; Shall the following be adopted as an amendment to the Constitution of Alabama: The Town of Montevallo, Ala-

bama, shall have the power and the right to levy and collect a tax of one half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality; providing further, that a majority of the qualified voters of said municipal corporation voting at an election called for the purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which the same was levied and collected; provided, however, that the total tax to be levied by any municipal corporation shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporation for elections to authorize the issuance of municipal bond. The ballots used at such election shall contain the words; "For _____ excess rate of taxation for the year (or years) _____," and "Against _____ excess rate of taxation for the year (or years) _____." "The rate of taxation proposed in excess of the rate of one per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different excess rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown, by placing a cross mark before the words expressing his choice, Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy a special tax for a specified purpose, and such proposition is defeated no second election for the same purpose shall be held in one year thereafter. This amendment shall be self-executing and no act of the Legislature shall be required to put the same, or any part thereof, in force.

Following the proposed amendment on the ballot shall be

printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the legislature; and if it shall thereupon appear that majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Section 6. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the state treasury in the same manner as the expenses of the general elections are paid.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once at length and referred to appropriate standing committee as follows:

H. 294 and H. 398, to the Committee on Constitution, Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House Amendment to the following Senate Bill:

By Mr. Walden:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, cor-

porations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege excise and or license taxes on gasoline, Woco-Pep, or any other motor fuel, used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Said Conference Report being in words and figures as follows:

To the President of the Senate:

To the Speaker of the House of Representatives:

We, your Committee of Conference, appointed on the disagreement of the two houses on the House amendment to Senate Bill No. 103, beg to advise that we recommend that the House recede from its amendment to the Bill and that the House pass the Bill as it was passed by the Senate.

D. A. WALDEN,
J. A. SIMPSON,
HAYSE TUCKER,

Committee on part of the Senate.

A. P. WILLIAMS,
W. P. CALHOUN,
E. C. BOSWELL,

Committee on part of the House of Representatives.

And said bill, S. 103, as amended by the Report of the Committee of Conference was again read a third time at length and passed.

And said bill, S. 103, together with the Report of Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walden, the Senate concurred in and adopted the report of the Committee of Conference on the disagreement

of the two Houses on the House Amendment to S. B. 103, the title of which and said Conference Report, is set out in the foregoing Message from the House.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Russell	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Dorsey	McDowell	Stoddard	Weaver
Glover	Parrish	Taylor	Wellborn
Goldsmith	Riddle	Thomas	Woodall
Kuykendall	Rogers (Mobile)		

—26

Nays:—None.

BILLS ON THIRD READING

The bill:

H. 353. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than sixty-seven thousand five hundred, according to the last or any subsequent Federal census, special funds to be known as "Police-men's And City Employees' Pension And Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and all other City Departments except the Fire Department in said cities; to provide for the cretaion of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide who shall hear and decide applications for pensions and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and other City Departments except the Fire Department in said cities during their disability, and for the retirement of such members on pension, either by reason of termination of office or disability; to provide for the pensioning of members of such Police and other City Departments except Fire Department after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to pro-

vide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Was taken up.

Mr. Mooneyham offered the following amendment to said bill to-wit:

Amend the caption of House Bill 353 by striking therefrom the following: "to provide for the appropriation for funeral expenses upon the death of such member"

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Fletcher	Parrish	Stoddard	Weaver
Glover	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Fletcher	Parrish	Stoddard	Weaver
Glover	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 187. To provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective.

Was taken up.

The Committee on Local Legislation reported the following committee substitute for said bill to-wit:

Committee substitute for House Bill 187:

A BILL

To be entitled An Act to authorize the Board of Revenue and Road Commissioners or other governing body of Mobile County to provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective, and to provide that this shall not be in force and effect after February 15th, 1939.

Be it enacted by the Legislature of Alabama:

Section 1. The Board of Revenue and Road Commissioners or other governing body of Mobile County, may, in its discretion, pay out of the general fund of Mobile County to the Mobile County Department of Public Welfare such sums of money as shall be reasonably necessary to pay said County's prorata share for the maintenance and operation of said Department but which sum in any fiscal year shall not exceed a total of \$18,000.00. The amount to be appropriated each year shall be determined by the Board of Revenue and Road Commissioners, or like governing body, of Mobile County under the foregoing directions.

Section 2. Not more than twenty-five per cent of the appropriation provided for in Section One of this act shall be expended in administering the fund or funds which may be so appropriated, or in administering any other fund which may be given or appropriated to the Mobile County Department of Public Welfare by any individual, government or governmental agency.

Section 3. This law shall become effective immediately upon its passage and approval by the Governor and shall remain in force and effect until the fifteenth day of February, 1939.

Section 4. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 5. If any section or provision of this act is held invalid because of its unconstitutionality, the other sections or portions of this act shall not be affected.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder
Chesnut
Dorsey
Fletcher
Glover
Kelly
Kuykendall

Locke
Mooneyham
McDowell
Parrish
Riddle
Rogers (Mobile)
Russell

St. John
Simpson
Starnes
Stoddard
Taylor
Thomas

Tucker
Walden
Walton
Weaver
Wellborn
Woodall

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Tucker
Chesnut	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Fletcher	Parrish	Stoddard	Weaver
Glover	Riddle	Taylor	Wellborn
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—26

Nays:—None.

The bill:

H. 137. To amend Section 360 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935 and known as House Bill 324.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Tucker
Browder	Locke	Russell	Walden
Carlton	Mixon	St. John	Walton
Chesnut	Mooneyham	Simpson	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Glover	Parrish	Taylor	Woodall

—24

Nays:—None.

The bill:

S. 155. To amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions: to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

Was taken up.

Mr. Simpson offered the following amendment to said bill to-wit:

AMENDMENT TO SENATE BILL NO. 155

That Section 1 of the said Bill be amended to read as follows:

That Section 2 of the said Act be amended to read as follows:

The county governing bodies in addition to the powers now given them, shall have the power to provide and make available to the County Departments funds in their treasuries for the purpose of carrying out the provisions of this Act. Incorporated municipalities may contribute from funds in their treasuries, funds to the counties in which they are located for such purposes.

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Bonner	Mooneyham	Simpson	Tucker
Carlton	McDowell	Starnes	Walden
Dorsey	Parrish	Stoddard	Walton
Kuykendall	Rogers (Mobile)	Taylor	Weaver
Locke	Russell	Thomas	Wellborn
Mixon	St. John		

—22

Nays:—None.

Mr. Simpson also offered the following amendment to said bill to-wit:

That section 2 of the said bill be amended to read as follows:

That Section 4 of the said Act be amended to read as follows:

It shall be the duty of the county governing body in such county to provide a reasonable subsistence in proportion to the accustomed standard of living of the applicant to each person eligible for an old age pension under the provisions of this Act. The amount of such pension shall, subject to rules, regulations and standards of the State Department, be determined by the County Board with due regard to the conditions existing in each case. The amount of each pension shall not be more than \$30.00 monthly, except that in the case of any person who served in and was honorably discharged from the armed forces of the United States or of the Confederate States of America in the War Between the States the amount of each pension shall not exceed \$50.00 monthly.

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	St. John	Tucker
Browder	Mooneyham	Simpson	Walden
Carlton	McDowell	Starnes	Walton
Frazer	Riddle	Stoddard	Weaver
Kelly	Rogers (Mobile)	Taylor	Wellborn
Kuykendall	Russell	Thomas	Woodall
Locke			

—25

Nays:—None.

Mr. Simpson also offered the following amendment to said bill to-wit:

That Section 4 of the said bill be amended to read as follows:

That Section 6 of the said Act be amended to read as follows:

When its decision has been made, the County Board shall enter an order in its minutes denying the application, if denied, and the grounds therefor, or granting a monthly pension to the applicant, if granted, in such amount as limited in this act, and for such length of time not exceeding one year as the County Board shall deem just and reasonable, which order shall state the name, age, place of residence of the applicant and date on which pension was begun. The County Boards shall disburse funds made available to them subject to the rules and regulations prescribed by the State Board of Public Welfare. Notice of the action taken by the County Board on an application shall be given the applicant in writing by registered mail, return receipt requested, mailed to him at the address given on his application. Said letter of notice shall be mailed to the applicant not more than five days after the County Board shall have taken Action.

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Rogers (Mobile)	Tucker
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Frazer	Parrish	Taylor	Woodall
Glover	Riddle	Thomas	

—23

Nays:—None.

Mr. Simpson also offered the following amendment to said bill to-wit:

Amend S. 155 by striking therefrom Section 16 and changing the designation of the present Section 17 to Section 16.

Which was adopted.

Yeas, 22; Nays, 1.

Yeas:

Messrs.:

Browder	Kuykendall	Russell	Thomas
Chesnut	Locke	St. John	Tucker
Dorsey	Mixon	Simpson	Walton
Frazer	Mooneyham	Starnes	Weaver
Glover	McDowell	Taylor	Woodall
Kelly	Rogers (Mobile)		

—22

Nay: Mr. Wellborn

— 1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Parrish	Thomas
Chesnut	Kuykendall	Rogers (Mobile)	Tucker
Dorsey	Locke	Russell	Walden
Fletcher	Mixon	St. John	Walton
Frazer	Mooneyham	Simpson	Weaver
Glover	McDowell	Starnes	Woodall

—24

Nays:—None.

The bill:

H. 122. To amend Section 9017 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 18; Nays, 5.

Yeas:

Messrs.:

Browder	Mooneyham	St. John	Tucker
Chesnut	McDowell	Simpson	Walton
Glover	Parrish	Taylor	Weaver
Kelly	Rogers (Mobile)	Thomas	Woodall
Kuykendall	Russell		

—18

Nays: Messrs. Goldsmith, Locke, Mixon, Starnes and Walden

— 5

The bill:

S. 134. To amend Section 793, of the Code of Alabama, 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Chesnut	Kuykendall	Mooneyham
Browder	Dorsey	Locke	McDowell
Carlton	Kelly	Mixon	Parrish

Rogers (Mobile)	Simpson	Tucker	Weaver
Russell	Starnes	Walden	Woodall
St. John	Thomas	Walton	

—23

Nays:—None.

The bill:

S. 135. To amend Section 798, of the Code of Alabama, 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	St. John	Walden
Browder	Mixon	Simpson	Walton
Chesnut	Mooneyham	Taylor	Weaver
Fletcher	McDowell	Thomas	Wellborn
Frazer	Parrish	Tucker	Woodall
Glover	Rogers (Mobile)		

—22

Nays:—None.

The bill:

S. 136. To amend Section 10342 of the Code of Alabama, 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Tucker
Browder	Kelly	St. John	Walden
Carlton	Locke	Simpson	Walton
Chesnut	Mixon	Starnes	Weaver
Dorsey	Mooneyham	Taylor	Wellborn
Frazer	McDowell	Thomas	Woodall
Glover	Parrish		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the following House bill:

By Mr. Robertson (Cullman):

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said

Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board.

To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

Said Conference Report being in words and figures as follows:

Montgomery, Alabama

April 3, 1936.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

We, the undersigned, your Conference Committee appointed to adjust the difference between the two houses respecting House Bill 241, beg to report that we recommend that the Senate recede from its amendment to said Bill, and that it be adopted as originally introduced.

EARLE THOMAS,

O. D. CARLTON,

Committee on the Part of the Senate.

M. L. ROBERTSON,

AUBREY DOMINICK,

JOHN A. LUSK, JR.,

Committee on the part of the House.

And said bill, H. 241, as amended by the Report of Committee of Conference was again read a third time at length and passed.

And said bill, H. 241, together with the Report of Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Carlton, the Senate concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 241, the title of which and said Conference Report, is set out in the foregoing Message from the House.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Taylor
Browder	Goldsmith	Parrish	Tucker
Carlton	Kelly	Rogers (Mobile)	Walden
Chesnut	Locke	Russell	Walton
Dorsey	Mixon	St. John	Weaver
Fletcher	Mooneyham	Simpson	Woodall

—24

Nays:—None.

And said bill, H. 241, as thus amended by the Report of the Conference Committee, was again read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Locke	Russell	Walden
Chesnut	Mixon	St. John	Walton
Dorsey	Mooneyham	Simpson	Weaver
Fletcher	McDowell	Starnes	Woodall
Frazer			

—25

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

By Mr. Mixon:

S. 168. To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of Franklin County, Alabama.

Also:

By Mr. Mooneyham:

S. 143. To authorize and require the Board of Education in any County in the State of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal

Census to provide a pension or retiring allowance for teachers who have served in the Public Schools of such County.

Also:

By Mr. Simpson:

S. 124. To amend Section 31 of an Act entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes", approved March 29, 1933, as amended, so as to permit the redemption of bonds with or without a premium, and so as to delete a portion of said section.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

By Mr. Simpson:

S. 52. To amend an Act, entitled "An Act to promote the objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by

the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, by adding thereto a section making loans insured under Title II of the National Housing Act eligible for deposit where securities must be, or may be, deposited pursuant to any law of the State of Alabama.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Taylor:

H. 365. To provide that in all counties in the State of Alabama, now or hereafter having more than one hundred and ten thousand population, and less than three hundred thousand population according to the last, or any Federal census, that the Board of Revenue and Road Commissioners of such counties, or whatever may be called, furnish all necessary expenses to the office of Tax Assessor and Tax Collector, which shall include, to be certified by the Tax Collector or Tax Assessor of such counties, or requisition by him. And to provide that the same be paid out of the County Treasury of such county by a warrant to be drawn by the Board of Revenue and Road Commission of such county.

Also:

By Mr. Lusk:

H. 271. To amend an act entitled, "An Act to Regulate Further the Financing of Public Improvements, to Permit the Reduction or Abatement of Assessments Therefor in Certain Cases, to Provide for the Refunding of Bonds Issued Therefor and to Validate Proceedings Heretofore Taken Relating Thereto in Cities Having a Population of as Many as Fifty Thousand and Less Than One Hundred Thousand People According to the Last Federal Census or any Such Census which may Hereafter be Taken," approved September 2, 1935, so as to make the provisions of said Act apply to cities having a population of twenty four thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

Also:

By Mr. Reid:

H. 411. To relieve all persons in Shelby County, Alabama, and

in any Municipality thereof, of and from any and all legal obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, and to prohibit the levying and collecting of a per capita road or street tax in Shelby County, Alabama, or in any Municipality thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following Bill will be introduced in the Legislature of Alabama, at a Special session called for February 11, 1936.

A BILL TO BE ENTITLED AN ACT

To relieve all persons in Shelby County Alabama, and in any Municipality thereof, of and from any and all legal obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, and to prohibit the levying and collecting of a per capita road or street tax in Shelby County, Alabama, or in any Municipality thereof.

Be It Enacted By The Legislature of Alabama:

Section 1. That all persons in Shelby County, Alabama, and in any municipality thereof, shall be and are hereby relieved of any legal obligation to work on the public roads or streets in said Shelby County, Alabama, or in any municipality thereof or to pay any money to the State of Alabama or said County or any municipality in said County in lieu of such legal obligation to work on the public roads or street in Shelby County, Alabama, or in any municipality thereof, and that no per capita road tax or street tax shall be levied or collected in Shelby County, Alabama, or in any municipality thereof.

Section 2. That all laws, general, special and local, and all county and municipal laws and ordinances, in conflict herewith be and the same are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor.

R. A. REID

THE STATE OF ALABAMA, SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the publisher of the Shelby County Reporter, a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, to wit, in the issues thereof dated as follows: Feb. 6-13-20-27.

Publisher.

Subscribed and sworn to before me this 2 day of April 1936.

L. C. WALKER,
Judge of Probate.

Printers fee \$12.60.

Also:

By Mr. Shipman:

H. 382. To authorize and empower the Court of Commissioners of Pike County in the State of Alabama, for the relief of Hattaway Lumber Company of Brundidge in said County, to pay to said company the sum of (\$212.00) Two Hundred Twelve & NO/100 Dollars, to compensate for the damage to a truck injured on the Highway of said county by an employee of the county engaged in highway work for said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced and sought to be passed at the present Extra Session of the Legislature of Alabama, to-wit:

AN BILL TO BE ENTITLED AN ACT

To authorize and empower the Court of Commissioners of Pike County in the State of Alabama, for the relief of Hattaway Lumber Company of Brundidge in said County, to pay to said company the sum of (\$212.00) Two Hundred Twelve & No 100 Dollars, to compensate for the damage to a truck damaged on the Highway of said county by an employee of the county engaged in highway work for said county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That whereas, on or about the 12th day of July, 1935, an employee of the County of Pike, engaged in road work for the county, and while driving a truck belonging to the county, negligently damaged a truck belonging to Hattaway Lumber Company, of Brundidge, Alabama, by a collision with the truck he was driving, the Court of County Commissioners of said County are hereby authorized and empowered to pay to Hattaway Lumber Company the sum of Two Hundred Twelve and No 100 Dollars as compensation for such damages, to be paid out of any fund belonging to the said County which is available for the upkeep and maintenance of the roads and bridges of the County of Pike, and that the said Court of County Commissioners be, and they are authorized to allow a claim of Hattaway Lumber Company for such amount and to order it paid.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor.
(2-26-1taw4w(pc))

THE STATE OF ALABAMA, }
PIKE COUNTY }

Before me, Howard Johnston, a Notary Public in and for said State and County, personally appeared M. N. Dodson, who being sworn, deposes and says on oath, that he is the editor of THE TROY MESSENGER, a newspaper published daily except Sunday, in the City of Troy, Pike County, Alabama, and that the foregoing attached notice, Notice to be entitled a Bill, was published

in said newspaper 4 times, the same appearing in the issues dated: Feb. 26, March 4, 11 and 18, 1936.

M. N. DODSON.

Sworn to and subscribed before me this the 27th day of March, 1936.

(Seal)

HOWARD JOHNSTON,
Notary Public, Pike County, Ala.

Also:

By Mr. Shaver:

H. 415. To amend an Act entitled an Act "To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County," passed by the Legislature at its 1936 special session.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is given that it is intended to apply to the Legislature at its present or any subsequent session for the passage of an Act in substance as follows:

A BILL TO BE ENTITLED AN ACT

To amend an Act entitled an Act "To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County," passed by the Legislature at its 1936 special session.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled an act "To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County," passed at its special session of 1936, be and the same is hereby amended as follows: by striking the words and figures "Sum of \$25.00" therefrom wherever the same appear in said act and substituting in lieu thereof the words and figures "Sum of \$100.00."

3 12-19-26 4-2

STATE OF ALABAMA }
MADISON COUNTY }

Before me, W. P. Nicholson, a notary public in and for said State and County, this day personally appeared Jack Langhorne, who being first duly sworn, deposes and says he is business manager of The Huntsville Times, a newspaper of general circulation published in Huntsville, Madison County, Alabama; that the foregoing notice of local bill to be introduced for passage in the Legislature of Alabama was published in said newspaper once a week for four consecutive weeks, on March 12, 1936, March 19, 1936, March 26, 1936, and April 2, 1936.

JACK LANGHORNE,
Business Manager.

Sworn to and subscribed before me this the 2 day of April, 1936.

W. P. NICHOLSON,
Notary Public.

Also:

By Mr. Taylor:

H. 358. To provide that in all cities now or hereafter having a population of not less than 68,000 or more than 100,000, according to the last or any subsequent Federal census, that any license excise tax, sales tax, permit tax, or other revenue collected hereafter from the sale, disposition, possession, or manufacture of alcoholic beverages, shall be applied by the governing body of such city by whatever name called, to an increase in pay to policemen and firemen employed by said city in the same proportion of their present wage scale.

And ordered same sent forthwith to the Senate without engrossment:

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House bills 365, 271, 411, 382, 415 and 358, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

H. 103—To amend Section 3238 of the Code of Alabama of 1923 relating to appeals in habeas corpus cases.

Said Governor's Message containing the proposed amendment being in words and figures as follows, to-wit:

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the body in which it originated, House Bill No. 103 without my approval.

An examination of the bill discloses, First: that it is not proper in form, and, Second: that it may have the effect of denying appeals in habeas corpus cases of a criminal nature or character except in capital cases, as this section is the only provision made for appeals in that character of cases.

I suggest the following amendment which, if adopted, will meet my objection to the bill:

Amend the bill by inserting in the title thereof after the figures "1923" where they occur therein, the following: "as amended by Acts of 1927, page 76, approved June 16, 1927".

Further Amend the bill by inserting just after the words "Be it enacted by the Legislature of Alabama" the following:

Section 1. Amend Section 3238 of the Code of Alabama of 1923, as amended by Acts of 1927, page 76, approved June 16, 1927, so that the same shall read as follows: Section 3238. Any party aggrieved by the judgment on the trial of a habeas corpus may appeal to the Supreme Court or the Court of Appeals; and when, on habeas corpus, any person held in custody under a charge or conviction for crime or for extradition as a fugitive from justice from any other State, is discharged from said custody; or when any person held in custody under an indictment by the grand jury charging him with a capital offense is admitted to bail, the Solicitor or other prosecuting officer or attorney may take an appeal on behalf of the State to the Supreme Court or Court of Appeals, and in all such cases the judgment must be suspended pending the appeal; and the party may give bail with sufficient sureties conditioned that he will appear before such court or officer as may be prescribed by the judge, and abide the judgment rendered. No bill of exceptions or assignments of error shall be necessary or required, but the clerk of the court from which such appeal is taken shall, within thirty days from the date of such judgment, forward a transcript of the record and certificate of appeal to the Supreme Court or Court of Appeals, together with a statement of the evidence and the judge's ruling thereon, all certified to be correct by the Judge or officer hearing the petition; but the appellate court shall consider the case on the record and the evidence as set forth, and if the judgment of the trial court is correct, the case shall be affirmed; if erroneous, the appellate court shall render such judgment as the trial court should have rendered. The case on appeal shall, when so certified, be docketed and submitted to and be considered and decided by the appellate court without delay.

Respectfully,

(Signed) Bibb Graves,
Governor.

April 10, 1936.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, H. 103, by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 77; Nays, 0.

And said bill, H. 103, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 77; Nays, 0.

And said bill, together with the Governor's Message, containing the proposed amendment, is herewith sent to the Senate for its consideration.

E. F. Taylor,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Walden, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. B. 103, the title of which and said proposed amendment, is set out in the foregoing Message from the House.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Frazer	Parrish	Taylor	Wellborn

—24

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, H. 103, as thus amended by the amendment of the Governor, was again read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Walden
Carlton	Locke	St. John	Walton
Chesnut	Mixon	Simpson	Weaver
Fletcher	Mooneyham	Taylor	Wellborn
Frazer	Parrish		

—22

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 49. Relative to the two Houses adjourning today to meet again on Tuesday, April 14, 1936 at ten o'clock A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

By Mr. Woodall:

S. 108. To make an appropriation for the support, maintenance and improvement of the Southern Industrial Institute.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Woodall, the Senate concurred in the following amendment by the House to S. 108, the title of which is set out in the foregoing Message from the House to-wit:

Amend Senate bill 108 by adding to Section 2 the following:

"This appropriation shall be subject to the terms, conditions, provisions and limitations of the Budget and Financial Control Act."

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Tucker
Browder	Locke	Russell	Walden
Carlton	Mixon	St. John	Walton
Chesnut	Mooneyham	Simpson	Weaver
Frazer	McDowell	Starnes	Wellborn
Glover	Riddle	Thomas	Woodall
Kelly			

—25

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. DeVane:

H. 373. To amend Sub-section XVI of Section 1, and part 12 of Sub-section X, and Part 4 of Subdivision VIII of Section 1 of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest of the public debt, and for the public schools", approved September 6, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one

time and referred to appropriate standing committee as follows:
H. 373, to the Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The bill:

S. 169. To regulate the use of proceeds of State gasoline taxes by counties, to fix penalties for violation of this Act, and to repeal all laws in conflict herewith.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend S. 169 by adding thereto Section 5 to read as follows:

"Section 5. This law shall not apply where such funds are diverted, but are replaced in full by the County from other county funds"

Which was adopted.

Yeas, 23; Nay, 1.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Thomas
Browder	Kuykendall	Rogers (Mobile)	Walden
Carlton	Locke	Russell	Walton
Chesnut	Mixon	St. John	Weaver
Dorsey	Mooneyham	Simpson	Woodall
Frazer	McDowell	Taylor	

—23

Nay: Mr. Wellborn

— 1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 8.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Taylor
Browder	Locke	Russell	Tucker
Carlton	Mooneyham	St. John	Walden
Dorsey	McDowell	Simpson	Weaver
Frazer	Riddle	Starnes	Wellborn
Glover			

—21

Nays:

Messrs.:

Chesnut	Kuykendall	Parrish	Walton
Fletcher	Mixon	Thomas	Woodall

— 8

The bill:

S. 170. To provide for service of notice by tax collector on resident taxpayers when personal service or service by registered mail cannot be perfected as now provided by law.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	McDowell	Taylor
Browder	Goldsmith	Parrish	Tucker
Carlton	Kuykendall	Rogers (Mobile)	Walden
Dorsey	Locke	Russell	Walton
Fletcher	Mixon	St. John	Wellborn
Frazer	Mooneyham	Starnes	Woodall

—24

Nays:—None.

The bill:

H. 99. To amend Schedule 158.5 of chapter 6, Article 13, of an act entitled "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Thomas
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Dorsey	McDowell	Starnes	Wellborn
Glover	Parrish	Taylor	Woodall

—24

Nays:—None.

The bill:

H. 158. To Amend Section 276 of an Act entitled "an act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Taylor
Browder	Goldsmith	Rogers (Mobile)	Thomas
Carlton	Kelly	Russell	Tucker
Chesnut	Kuykendall	St. John	Walden
Dorsey	Locke	Simpson	Wellborn
Frazer	Mixon	Starnes	Woodall

—24

Nays:—None.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Wellborn, further consideration of the bill and pending substitute:

S. 27. To amend Section 344 Sub-section (a) of Article 10 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was indefinitely postponed by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twenty-first Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the twenty-first Legislative day approved by the Senate.

ADJOURNMENT

At 12:50 P. M., on motion of Mr. Dorsey and pursuant to joint resolution heretofore adopted, the Senate adjourned until Tuesday, April 14th, 1936, at 10 A. M.

TWENTY-SECOND DAY

Tuesday, April 14th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Browder	Kelly	Rogers (Mobile)	Taylor
Carlton	Kuykendall	Russell	Thomas
Chesnut	Locke	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Parrish	Stoddard	Woodall
Goldsmith	Riddle		

—30

JOURNAL

On motion of Mr. Riddle, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Carlton, leave of absence was granted Mr. Bonner for today.

On motion of Mr. McDowell, leave of absence was granted Mr. Frazer for today.

On motion of Mr. Tucker, leave of absence was granted Mr. Swift for today.

At request of Mr. Earnest, Doorkeeper of the Senate, leave of absence was granted Mr. Watkins, Assistant Doorkeeper, for today, on account of illness.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Woodall:

S. 198. To amend Sec. 21 of that certain act entitled "AN ACT to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose, and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95 percent of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population." Adopted and approved Sept. 9, 1935 (Acts 1935, P. 803.)

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the legislature during its present special session for the passage of an act in substance as follows:

AN ACT

To amend Sec. 21 of that certain act entitled
"AN ACT to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in

County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95 per cent of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population."

adopted and approved Sept. 9, 1935 (Acts 1935 p. 803)

Be it enacted by the legislature of Alabama as follows:

Sec. 1. That section 21 of that certain act entitled

"AN ACT to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95 per cent of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population."

adopted and approved Sept. 9, 1935, (Acts 1935 p. 803) be and the same is hereby amended so as to read as follows:

"Sec. 21. The provisions of this act shall not apply to any counties having a population of more than 95,000, according to the last or any subsequent federal census, nor shall it apply to Elmore County."

Sec. 2. This act shall go into effect upon its approval by the Governor.
State of Alabama,
Elmore County.

Before me the undersigned authority personally appeared H. H. Golson, who by me first being duly sworn deposes and says that he is the editor of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice of application to legislature for passage of an Act was published in said newspaper for 4 successive weeks on to-wit: March 5th, 12th, 19th and 26th, 1936.

H. H. Golson,
Editor, The Wetumpka Herald.

Sworn to and subscribed before me this the 13th day of April, 1936.

W. W. Bateman,
Notary Public.

By Mr. Woodall:

S. 199. To provide that a certain act entitled "AN ACT to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit, their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95 per cent of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this act shall be effective

on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population." Adopted and approved Sept. 9, 1935, (Acts 1935, p. 803) shall not apply to or effect Elmore County, Alabama, this County remaining as if it had been excepted from the operation thereof on its passage.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the legislature during its present special session for the passage of an act in substance as follows:

AN ACT

TO PROVIDE that a certain Act entitled

"AN ACT to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power and authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95 per cent of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population." adopted and approved Sept. 9, 1935, (Acts 1935, p. 803) shall not apply to or effect Elmore County, Alabama, this County remaining as if it had been excepted from the operation thereof on its passage.

Be it enacted by the legislature of Alabama:

Section 1. That that certain act of the legislature of Alabama approved Sept. 9, 1935, (Acts 1935 page 803) and entitled.

"AN ACT to better secure the administration of the financial affairs of the Counties of Alabama, and for that purpose and to that end to vest in County Boards of Revenue, County Commissioners, and other like governing bodies by whatever name known, more efficient power and control over all public funds that may now or hereafter be under their management and control; to limit their power an authority to approve and pay claims for current operating expenses in any fiscal year to the income of the county available for such purposes; to prescribe the fiscal year for the purposes of this Act; to provide for the registration of all outstanding general obligations; to more effectively provide for the preparation and adoption of annual budgets; to provide that no warrants or orders for money shall be issued under the authority of such boards until the cash is available for their payment; to provide for a record of the financial status of counties; to provide that temporary loans made under the general laws of the State of Alabama for the purpose of enabling counties to meet their current obligations shall not exceed 95 per cent of such temporary loans made the preceding year, except for the purpose of meeting emergencies and to provide that in making up a budget the amount borrowed on such temporary loan to be made during each fiscal year shall be included as a part of the operating revenue of the county for such year, and the amount of such temporary loan, principal and interest, payable in each fiscal year shall constitute a part of the operating expenses to be included in the budget of the county for the fiscal year in which such loans are payable, and shall be paid out of the funds pledged therefor; to provide that this act shall be effective on and after the first day of October, 1935; and to repeal all laws except local laws, in conflict with the Act. Provided, the Act shall not apply to counties having more than 95,000 population."

Sec. 2. This act shall go into effect immediately upon its approval by the governor.

The State of Alabama,
Elmore County.

Before me the undersigned authority personally appeared H. H. Golson, who by me first being duly sworn deposes and says that he is the Editor of The Wetumpka Herald, a weekly newspaper published at Wetumpka, in Elmore County, Alabama, and that the attached notice of application to legislature for passage of an Act was published in said newspaper for 4 successive weeks on to-wit: March 5th, 12th, 19th and 26th, 1936.

H. H. Golson, Editor
The Wetumpka Herald.

Sworn to and subscribed before me this the 13th day of April 1936.

W. W. Bateman,
Notary Public.

By Mr. Starnes:

S. 200. To amend the last paragraph of Section 1 of an act "Defining motor transportation companies and motor transportation operators, conferring jurisdiction upon the Alabama Public Service Commission over the transportation of passengers and property for hire as common carrier by motor vehicles and providing for the supervision

and regulation and taxation of such motor transportation companies and for the enforcement of this Act and for punishment for violation thereof" approved June 19th, 1931.

Committee on Commerce and Common Carriers.

By Mr. Rogers (Mobile):

S. 201. To amend Section 4621 of the Code of Alabama, 1923, relating to sale, offering for sale, possessing, bartering or exchanging prohibited liquors and beverages.

Committee on Temperature.

REPORT OF COMMITTEES

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Starnes:

S. 197. To abolish the offices of Tax Assessor and Tax Collector; to create and establish the office of Tax Assessor-Collector; to define and prescribe the qualifications and duties of County Tax Assessor-Collector and to fix his compensation; to provide for the term of office of said Tax Assessor-Collector; to provide for the manner of his election and the filling of the vacancy in said office; to provide clerical assistance for said Tax Assessor-Collector and to repeal all laws in conflict herewith and to fix the time when this Act shall become effective.

By Mr. Thomas:

S. 176. To repeal an Act, entitled "An Act to amend Section 334, Schedule I, Subsection 31, of the Compiled Revenue Code of Alabama, and the Act approved July 22, 1927, entitled "In reference to and to further provide for the general revenue of the State of Alabama and published as Section 19, at page 160, of the Acts of 1927, as further amended by an act approved July 30, 1931, entitled "an Act to amend Section 19 of the Revenue Act of 1927", which said amendment appears at page 812 of the published General Acts of Alabama of 1931, by exempting from the privilege or license tax for the operation of automotive vehicles imposed by said revenue law all passenger vehicles owned and operated by the Federal Government or by officers and enlisted men actually serving in the United States Army who are assigned by the War Department as Instructors and/or Sergeant-Instructors with the National Guard of Alabama and all commissioned officers of the Active National Guard of Alabama. Approved September 14th, 1935."

By Mr. Walton:

S. 194. To make an appropriation to the State Department of Public Welfare to be used for the purposes of public assistance including general home relief, outdoor and indoor care of persons in need of assistance and old age pensions and other purposes set out in an Act to create the State Department of Public Welfare, approved August 27, 1935; and to provide that said appropriation shall be paid immediately from the General Fund of the State and shall not be subject to the terms of the Budget and Financial Control Act, and can be discontinued in whole or in part at the discretion of the Governor.

By Mr. Walton:

S. 195. To amend Sub-section XVI of Section 1 of "An Act, to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest, on the public debt, and for the public schools." Approved September 6, 1935.

By Mr. Owen (Etowah) (with substitute):

H. 8. To amend Section 161-A of an Act "To provide for the General Revenue of the State of Alabama" approved July 10, 1935.

By Mr. Lusk:

H. 133. To amend Section 103 of Article 4 of an act entitled "To provide for the general revenue of the State of Alabama" approved July 10, 1935, pertaining to and providing for appeals from final assessments by the State Tax Commission.

By Mr. Taylor (with amendment):

H. 136. To amend section 5 of an Act approved September 11, 1935, entitled "An Act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor"

By Mr. DeVane (with substitute):

H. 373. To amend Sub-section XVI of Section 1, and part 12 of Sub-section X, and Part 4 of Subdivision VIII of Section 1 of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935.

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without Recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Steele:

H. 147. To amend Schedule 135 of Article XIII Chapter 1 License Schedule of an Act to provide for the General Revenue of the State of Alabama approved July 10, 1935"

By Mr. Owen (Etowah):

H. 204. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, Page 950).

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Thomas (with notice and proof):

S. 187. To abolish the Court of County Commissioners of Chilton County, Alabama.

By Mr. Thomas (with notice and proof):

S. 188. To create the office of County Solicitor of Chilton County, Alabama; to provide for his appointment and election, and the method of appointment in the event of a vacancy; to fix his salary and define his duties.

By Mr. Thomas (with notice and proof):

S. 189. To abolish the office of Deputy Solicitor of Chilton County, Alabama.

By Mr. Thomas (with notice and proof):

S. 190. To establish a board of Revenue for Chilton County, Alabama, to consist of three members, one of which members shall be the chairman of said Board of Revenue; to divide Chilton County, Alabama into three districts to be known as Board of Revenue districts and define and establish the boundaries thereof; to provide that each of said districts shall have a member on said board; to confer upon the Board of Revenue all the powers, authority and jurisdiction now possessed or which may hereafter be possessed by Courts of County Commissioners, Boards of Revenue or other like governing bodies of the several counties of Alabama under the general laws; to provide for a clerk for said Board of Revenue and prescribe and fix his duties and compensation and the compensation of the members of said Board of Revenue; to provide for the appointment and election of the members of said Board of Revenue and to fix their term of office, to provide the time this act shall become a law.

By Mr. Kuykendall (with notice and proof):

S. 196. To amend an Act, entitled "An Act, To abolish the office of deputy solicitor of Walker County, Alabama and to create in lieu thereof the office of County Solicitor of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his powers, duties and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time he shall take office and to repeal all general and local laws in conflict herewith in so far as they relate to said Walker County, Alabama, approved May 23, 1931."

By Mr. Welch:

H. 68. To provide for and authorize the dismissal in and by the Circuit Court, of appeals to the Circuit Court from judgments of conviction rendered in any court subordinate or inferior to or lower than the Circuit Court, and to define and fix the effects and consequences of such dismissals.

By Mr. Lusk:

H. 271. To amend an act entitled, "An Act to Regulate Further the Financing of Public Improvements, to Permit the Reduction or Abatement of Assessments Therefor in Certain Cases, to Provide for the Refunding of Bonds Issued Therefor and to Vali-

date Proceedings Heretofore Taken Relating Thereto in Cities Having a Population of as Many as Fifty Thousand and Less Than One Hundred Thousand People According to the Last Federal Census or any Such Census which may Hereafter be Taken," approved September 2, 1935, so as to make the provisions of said Act apply to cities having a population of twenty four thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

By Mr. Reid (with notice and proof):

H. 411. To relieve all persons in Shelby County, Alabama, and in any Municipality thereof, of and from any and all legal obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, and to prohibit the levying and collecting of a per-capita road or street tax in Shelby County, Alabama, or in any Municipality thereof.

Mr. Mooneyham, Chairman of the Standing Committee on Municipalities reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen (Etowah):

H. 135. To amend an Act of the Legislature of Alabama approved August 4, 1931 entitled, "An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama operating under the commission form of government and which now have or which may hereafter have a population of as much as twenty four thousand and less than fifty thousand people, according to the latest or any succeeding Federal Census; to provide for a civil service board in such cities and fix their duties, authorities, powers, and compensation" so as to require all members of the police department in said cities to enter into bond conditioned for the faithful and proper performance of their duties as policemen before entering upon their duties, and to provide further that their appointment shall be revoked by the civil service board upon their failure to enter into such bond within ten days after said appointment.

Mr. Woodall, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Waldrep:

H. 171. To amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1932, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act of the Legislature of Alabama, approved August 20, 1927, entitled: 'An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to amend Section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, 'An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' approved August 20, 1927."

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self-propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privi-

lege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

S. 52. To amend an Act, entitled "An Act to promote the objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, by adding thereto a section making loans insured under Title II of the National Housing Act eligible for deposit where securities must be, or may be, deposited pursuant to any law of the State of Alabama.

S. 108. To make an appropriation for the support, maintenance and improvement of The Southern Industrial Institute.

S. 124. To amend Section 31 of an Act entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes", approved March 29, 1933, as amended, so as to permit the redemption of bonds with or without a premium, and so as to delete a portion of said section.

S. 143. To authorize and require the Board of Education in any County in the State of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal

Census to provide a pension or retirement allowance for teachers who have served in the Public Schools of such County.

S. 168. To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of Franklin County, Alabama.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate Amendment to the following House bill:

H. 187. To authorize the Board of Revenue and Road Commissioners or other governing body of Mobile County to provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective, and to provide that this act shall not be in force and effect after February 15th, 1939.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has adopted the Senate amendment to the following House bill:

H. 353. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than sixty-seven thousand five hundred, according to the last or any subsequent Federal census, special funds to be known as "Policemen's And City Employees' Pension And Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and all other City Departments except the Fire Department in said cities; to provide for

the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide who shall hear and decide applications for pensions and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and other City Departments except the Fire Department in said cities during their disability, and for the retirement of such members on pension, either by reason of termination of office or disability; to provide for the pensioning of members of such Police and other City Departments except Fire Department after service therein; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 99. To amend Schedule 158.5 of chapter 6, Article 13, of an act entitled "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 103. To amend Section 3238 of the Code of Alabama of 1923 as amended by Acts of 1927, page 76, approved June 16, 1927 relating to appeals in habeas corpus cases.

Also:

H. 122. To amend Section 9017 of the Code of Alabama of 1923.

Also:

H. 137. To amend Section 360 of an Act entitled "An Act to

provide for the general revenue of the State of Alabama," approved July 10, 1935 and known as House Bill 324.

Also:

H. 158. To Amend Section 276 of an Act entitled "an act to provide for the general revenue of the State of Alabama" approved July 10th, 1935.

Also:

H. 241. To create and establish a Board of Finance and Control in and for Cullman County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Cullman County, Alabama; to designate the manner of constituting, selecting and appointing the first Board to hold office hereunder, and providing for the appointment of the first Chairman of the said Board by the Governor; to fix the term of office of the first Board holding office hereunder, and their successors in office; to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members hereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to Courts of County Commissioners, Boards of Revenue, or other governing bodies of like name and authority in this state; to require the said Board of Finance and Control to employ a Clerk and a Supervisor of Roads and Bridges for the county, and to fix the duties, qualifications and compensations of such Clerk and Supervisor of Roads and Bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said county, providing meeting place and time of meeting of said Board. To provide for the election of all members of said Board at the expiration of the term of office of the first Board constituted hereunder.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immedi-

ately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Harrison:

H. 355. To amend Section 213 of the Code of Alabama of 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time and referred to appropriate Standing Committee as follows:

H. 355, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Jones:

H. 327. To amend Section 10 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935.

Also:

By Mr. Reeder:

H. 329. To amend Section 4, 8 and 11 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama,

to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935.

Also:

By Mr. Reeder:

H. 330. To amend Section 1 of an Act entitled "An Act to declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act," approved August 26, 1935.

Also:

By Mr. Reeder:

H. 331. To amend Section 7 of an Act entitled "An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purpose of this Act and to set aside and pledge from its revenue a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years," approved July 10, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

House bills 327, 329, 330 and 331, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Lee (Monroe):

H. 314. To authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons. This Act shall not apply to Counties now or hereafter having a population of 90,000 or more according to the last or any succeeding Federal Census.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time and referred to appropriate Standing Committee as follows:

H. 314, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Goodwyn:

H. 431. To fix the compensation or salaries to be paid the tax collectors and tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.

Also:

By Mr. Hill:

H. 423. To require the County Governing Body of Marion County, Alabama, to allow and order paid the cost of publication of notice of intention to apply for local legislation pertaining to or applicable to said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced in the Legislature of Alabama to require the county governing body of Marion County, Alabama, to audit, allow and order payment, at the legal rate of the cost of publication of notice of intention to apply for local legislation pertaining to said county, heretofore or hereafter published, when approved by the legislators representing said county.—R. L. HILL.

STATE OF ALABAMA }
MARION COUNTY } SS:

Before me, Ivan Hill, a Notary Public, in and for said County and State, personally appeared W. H. Murray, who being first duly sworn, deposes and says, that he is the publisher of The Winfield Journal, a weekly newspaper published in the Town of Winfield, in the State and County aforesaid, and that the advertisement, a true copy of which is hereto annexed, was printed in said newspaper for four consecutive weeks prior to the 3d day of April, 1936, the first publication being on March 12, 1936, and the last publication being on April 2, 1936.

That there was no agreement between publisher and officer, and that the actual cost of said advertisement is \$3.10, which is paid.

W. H. MURRAY.

Sworn to and subscribed before me this 3d day of April, 1936.

(Seal)

IVAN HILL,
Notary Public.

Also:

By Mr. Taylor:

H. 246. To regulate the operation of any public or private amusement place in all counties in the State of Alabama, having a population of not less than 110,000 nor more than 200,000 according to the last or any subsequent Federal census, and to fix a penalty for the violation thereof.

And ordered same sent forthwith to the Senate without engrossment:

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

H. 246, H. 423 and H. 431, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Ala-

bama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kuykendall, the Senate concurred in the following amendment by the House to S. 62, the title of which is set out in the foregoing message from the House to-wit:

AMENDMENT TO S. 62

Amend Senate Bill 62 Section 7 by striking therefrom the following: A petition signed by a majority of the land owners who control more than (1/3) of the land involved, and substituting therefor the following: A petition signed by (3/4) of the land owners who own, control and or operate all of the land involved.

Also amend Section 8 by striking out the word "potentially" where ever it appears therein.

Amend S. B. 62 by striking out the words where same appears together—"or potentially benefitted" and "or potential benefits"

Amend Section 10 of S. B. 62 by striking out the words "or not affected" where same appear together in the third line of said section.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Fletcher	Parrish	Stephens	Weaver
Glover	Riddle	Stoddard	Woodall

—28

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 76. To further provide for and regulate annual, partial, or final settlements by Administrators, Executors, Guardians and

Trustees; to authorize the court having jurisdiction of any such settlements, to fix, determine and allow, upon such settlements, the fees or compensation of such Administrators, Executors, Guardians or Trustees, and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

Also:

S. 90. To amend Sub-section D of Section 1 of an Act entitled: "An Act in relation to the educational system of Alabama: To make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama. (Approved September 2, 1935.)"

Also:

S. 91. To amend, by adding Section 4½ and amending Section 5, an Act entitled: "An Act in relation to the public school system of Alabama: To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State. (Approved September 2, 1935)"

Also:

S. 122. To amend Section 2 of an Act entitled "An Act to authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State." (Approved September 2, 1935.)

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

The following appointments and reappointments to the State Board of Agriculture have been made and under the terms of the Statute are con-

firmed by the Senate. I, therefore, transmit to you the following nominations:

Glen Foster, Tuscaloosa, Alabama, term beginning September 27, 1931, for six (6) years.

J. P. Hampton, Huntsville, Alabama, term beginning September 27, 1931, for six (6) years.

Wiley A. Alford, Columbia, Alabama, term beginning September 27, 1931, for six (6) years.

J. Lloyd Abbot, Spring Hill, Alabama, term beginning September 27, 1933, for six (6) years.

Clifton Kirkpatrick, Selma, Alabama, term beginning September 27, 1935, for six (6) years.

They are, therefore, transmitted to you for confirmation, or for such other action as you may deem proper.

Respectively,

Bibb Graves,
Governor.

April 14, 1936.

GOVERNOR'S MESSAGE

On motion of Mr. Russell, the Senate confirmed the appointment by His Excellency, the Governor, of the following members of the State Board of Agriculture, to-wit:

Glen Foster, Tuscaloosa, Alabama, term beginning September 27, 1931, for six (6) years.

J. P. Hampton, Huntsville, Alabama, term beginning September 27, 1931, for six (6) years.

Wiley A. Alford, Columbia, Alabama, term beginning September 27, 1931, for six (6) years.

J. Lloyd Abbot, Spring Hill, Alabama, term beginning September 27, 1933, for six (6) years.

Clifton Kirkpatrick, Selma, Alabama, term beginning September 27, 1935, for six (6) years.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Browder	Kuykendall	Rogers (Mobile)	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Cook	Mooneyham	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Fletcher	Parrish	Stephens	Weaver
Glover	Riddle	Stoddard	Woodall
Goldsmith			

Nays:—None.

—29

MESSAGE FROM THE GOVERNOR

TO THE SENATE OF ALABAMA:

Gentlemen:

I have to-day appointed W. L. Dumas of Talladega, Alabama from the Fourth District, as Trustee of the School for the Deaf and Blind, for the unexpired term of Thos. L. Hagan, resigned.

As under the law, these appointments must be confirmed by your Body, I herewith transmit the appointment to you for such action as you deem right and proper.

Respectfully,
Bibb Graves,
Governor.

April 14, 1936.

GOVERNOR'S MESSAGE

On motion of Mr. Starnes, the Senate confirmed the appointment by His Excellency, the Governor, of W. L. Dumas of Talladega, Alabama, as Trustee of the School for the Deaf and Blind, for the unexpired term of Thomas L. Hagan, resigned.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	Rogers (Mobile)	Taylor
Carlton	Kuykendall	Russell	Thomas
Chesnut	Locke	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Glover	Parrish	Stoddard	Woodall
Goldsmith	Riddle		

—30

Nays:—None.

RECESS

At 1:30 P.M., on motion of Mr. Dorsey, the Senate took a recess until 3:30 this afternoon.

TWENTY-SECOND DAY—AFTERNOON SESSION

Tuesday, April 14th, 1936.

The Senate re-assembled at 3:30 P.M., Lieutenant-Governor Knight presiding.

ROLL CALL

President:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stephens	Wellborn
Frazer	Parrish	Stoddard	Woodall
Glover			

—33

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Browder:

S. 186. To submit to the qualified voters of the State of Alabama at the next general election to be held on the.....day of1936 for their consideration, an amendment to the Constitution to be known as Section.....of the Constitution; to require that all salaries paid out of the general fund of the State of Alabama shall be subject to proration under the Constitution and laws which prorate the funds where there is not sufficient money in the general fund to meet all the appropriations from said fund.

The above bill was read a second time at length as required by the Constitution.

By Mr. Reid:

H. 294. To propose an amendment to the Constitution of the State of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipality, at an election or elections to be held by it from time to time for such purpose, and to order an election of the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for state and county officers in November 1936.

The above bill was read a second time at length as required by the Constitution.

By Mr. Connor:

H. 32. To propose an amendment to Section 59 of Article 4 of the Constitution of Alabama of 1901, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next regular general election

after the final adjournment of the present session of the Legislature at which this amendment is proposed.

The above bill was read a second time at length as required by the Constitution.

By Mr. Owen (Etowah), (with amendment):

H. 308. To provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, an Amendment to the Constitution of Alabama whereby the following school districts: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting at such election; provided further that the said district tax shall not be voted or collected in said districts unless and until the county in which said School District is located is levying and collecting not less than a 3-Mill County-wide Special School Tax.

(The above bill was read a second time at length as required by the Constitution.)

By Mr. Walker:

H. 398. To submit to the qualified voters of the State at the next general election to be held on the first Tuesday after the first Monday in November, 1936 for their consideration, an Amendment to the Constitution of the State of Alabama to be known as Amendment No. to fix the compensation of the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County.

The above bill was read a second time at length as required by the Constitution.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Shaver (with notice and proof) :

H. 415. To amend an Act entitled an Act "To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County," passed by the Legislature at its 1936 special session.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

S. 76. To further provide for and regulate annual, partial, or final settlements by Administrators, Executors, Guardians and Trustees; to authorize the court having jurisdiction of any such settlements, to fix, determine and allow, upon such settlements, the fees or compensation of such Administrators, Executors, Guardians or Trustees, and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

S. 90. To amend Sub-section D of Section 1 of an Act entitled: "An Act in relation to the educational system of Alabama: To

make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama. (Approved September 2, 1935.)"

S. 91. To amend, by adding Section 4½ and amending Section 5, an Act entitled: "An Act in relation to the public school system of Alabama: To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State. (Approved September 2, 1935)"

S. 122. To amend Section 2 of an Act entitled "An Act to authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State." (Approved September 2, 1935.)

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

RESOLUTIONS

Mr. Simpson offered the following joint resolution:

S. J. R. 50. BE IT RESOLVED, by the Senate of Alabama, the House of Representatives concurring:

(1) There is hereby constituted a Committee to consist of nine members, two of whom shall be members of the Senate and shall be appointed by the Lieutenant Governor, three of whom shall be members of the House of Representatives and shall be appointed by the Speaker, and four of whom shall be resident citizens of the State of Alabama, not members of the Legislature, to be selected by the five members of the Legislature appointed as aforesaid. The

four members of the Committee to be selected by the five members of the Legislature as herein provided shall be persons qualified by special knowledge, training, and experience for the work of the Committee. The Committee shall be authorized to fill any vacancies in its membership.

(2) The purposes of the Committee shall be to study the organization and functioning of State and local government in Alabama, to compile data with respect thereto, and to formulate recommendations for such changes therein looking to the improvement of government and to the betterment of its various services in the State as the Committee shall find desirable.

(3) The five members of the Legislature designated as herein provided to serve on the said Committee shall select the remaining four members not later than one week following the final adjournment of this Special Session of the Legislature and the Committee shall within two weeks thereafter meet in the Senate Chamber, elect a Chairman, and organize for the conduct of its work. The Committee shall meet thereafter at such times and places as it may designate or on the call of its Chairman or a majority of its members. The Committee may from time to time divide itself into such sub-committees as it may find advisable. The Committee shall serve without compensation and shall not be authorized to incur any financial obligation or indebtedness in behalf of or on account of the State of Alabama or any county or any municipality or institution or governing body thereof.

(4) It shall be the function of the Committee to consider and study (a) legislative reports and inquiries, (b) reports of departments, boards, bureaus, commissions, and officers of the State government and of governmental subdivisions and institutions of the State, (c) reports of other public and private agencies pertaining to State and local government in Alabama heretofore or hereafter made, and (d) to make such further and additional investigations relating to the general scope of its study as the Committee may deem necessary or desirable. To facilitate the work of the Committee on such investigations, officers of the State government, heads and personnel of departments, bureaus, boards, institutions, and other bodies and agencies of the State, officers and employees of municipalities, counties, institutions, boards, and other local subdivisions and agencies of the government in the State are authorized and requested to supply the Committee with, and to assist it in compiling, such data as the Committee may request. The Committee is further authorized to hear and enlist the aid of such private citizens, groups, and institutions as may be able to inform the Committee on any aspect of its study and to designate subcommittees of private citizens to study specific subjects.

The Committee is further authorized to request of the Federal Government or of any department or agency thereof such data relating to government in Alabama as may be advisable.

(5) The Committee shall file a report of findings and recommendations not later than December 1, 1937, and may file supplemental reports prior to the convening of the next regular Session of the Legislature. One copy of its reports shall be filed with the Governor, one copy with the Secretary of the Senate, and one copy with the Clerk of the House of Representatives, and the said reports shall be public information.

(6) In the conduct of its work, the Committee is authorized to accept and utilize funds and services contributed to it by the Federal Government or any agency thereof or by foundations or other private sources, and the Committee shall file with its said reports itemized statements of the amounts and sources of all funds so contributed and an itemized statement of its expenditures thereof.

Which was read and referred to the Standing Committee on Rules.

The Rules Committee reported the following joint resolution:

S. J. R. 51. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet at nine A. M. Friday, April 17th, and that when they adjourn Friday, April 17th, they adjourn sine die.

Mr. Browder offered the following substitute for said resolution to-wit:

BE IT RESOLVED by the Senate of Alabama, the House concurring, that when the two houses adjourn today, they adjourn to meet again at eleven o'clock Wednesday, April 15.

Mr. Bonner moved to table the substitute offered by Mr. Browder, which motion was lost and the Senate refused to table said substitute:

Yeas, 8; Nays, 23.

Yeas:

Messrs.:

Bonner
Chesnut

Kuykendall
Mixon

Parrish
Riddle

Walton
Woodall

— 8

Nays:

Messrs.:

Browder
Carlton
Cook
Dorsey
Fletcher
Glover

Goldsmith
Kelly
Locke
Mooneyham
McDowell
Rogers (Mobile)

Russell
St. John
Simpson
Starnes
Stephens
Taylor

Thomas
Tucker
Walden
Weaver
Wellborn

—23

Mr. Simpson offered the following substitute for the Browder substitute to wit:

BE IT RESOLVED by the Senate the House concurring, that when the two houses adjourn today, they adjourn to meet at ten o'clock A. M., Wednesday, April 15th, 1936, and that when they adjourn Friday April 17th they adjourn sine die.

Mr. Bonner moved to table the substitute offered by Mr. Simpson for Browder substitute for S. J. R. 51, which motion was lost and the Senate refused to table said substitute.

Yeas, 12; Nays, 19.

Yeas:

Messrs.:

Browder	Cook	Parrish	Thomas
Carlton	Kuykendall	St. John	Walton
Chesnut	Mixon	Taylor	Woodall

—12

Nays:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Tucker
Dorsey	Locke	Russell	Walden
Fletcher	Mooneyham	Simpson	Weaver
Glover	McDowell	Starnes	Wellborn
Goldsmith	Riddle	Stephens	

—19

Mr. Rogers of Mobile moved to re-consider the vote by which said motion to table was lost, which motion was lost and the Senate refused to re-consider said vote.

Yeas, 13; Nays, 18.

Yeas:

Messrs.:

Bonner	Cook	Parrish	Thomas
Browder	Kuykendall	St. John	Walton
Carlton	Mixon	Taylor	Woodall
Chesnut			

—13

Nays:

Messrs.:

Dorsey	Locke	Russell	Tucker
Fletcher	Mooneyham	Simpson	Walden
Glover	McDowell	Starnes	Weaver
Goldsmith	Riddle	Stephens	Wellborn
Kelly	Rogers (Mobile)		

—18

And the substitute offered by Mr. Simpson to the Browder substitute was then adopted.

Yeas, 19; Nays, 12.

Yeas:

Messrs.:

Browder	Kelly	Rogers (Mobile)	Tucker
Dorsey	Locke	Russell	Walden
Fletcher	Mooneyham	Simpson	Weaver
Glover	McDowell	Starnes	Wellborn
Goldsmith	Riddle	Stephens	

—19

Nays:

Messrs.:

Bonner

Carlton

Chesnut

Cook

Kuykendall

Mixon

Parrish

St. John

Taylor

Thomas

Walton

Woodall

—12

And the substitute offered by Mr. Browder, as thus amended, was then adopted.

And said resolution, S. J. R. 51, as thus amended, was then adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 51. To prohibit persons, firms or corporations operating steam railroads in intrastate transportation of persons and property within the State of Alabama unifying or consolidating freight or passenger depots, freight or passenger terminals, freight or passenger yard tracks, freight or passenger shops or any freight or passenger terminal facilities, within the State of Alabama, used in the intrastate transportation of persons or property, where such unification or consolidation will constitute an unreasonable burden upon intrastate commerce within the State of Alabama or is not consistent with the public interest.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Rules Committee:

S. J. R. 51. Relative to two Houses adjourning today to meet again at 10 o'clock A. M. Wednesday, April 15th, 1936, and when they adjourn Friday, April 17th, they adjourn sine die.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

BILLS ON THIRD READING

The bill:

H. 399. To relieve all persons in Lauderdale County, Alabama, of any legal obligation to work on the public roads or streets in

said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Lauderdale County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Stoddard
Browder	Goldsmith	Rogers (Mobile)	Thomas
Carlton	Kelly	Russell	Tucker
Chesnut	Locke	St. John	Weaver
Cook	Mixon	Simpson	Wellborn
Fletcher	Mooneyham	Stephens	Woodall
Frazer	McDowell		

—26

Nays:—None.

The bill:

S. 179. To authorize and empower the Court of County Commissioners of Henry County to expend an amount not to exceed one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of the House Bill 324, of the regular session of the Legislature of 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction, repair or maintenance of the roads and bridges of the County including bonded indebtedness.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Tucker
Browder	Kuykendall	Simpson	Walden
Chesnut	Mixon	Stephens	Walton
Cook	McDowell	Stoddard	Weaver
Fletcher	Parrish	Taylor	Wellborn
Frazer	Riddle	Thomas	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 369. To amend Section Two of an Act of the Local Legislature of 1931 to provide for the election of a County Superintendent of Education for Geneva County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

Was taken up.

Mr. Parrish offered the following amendment to said bill to-wit:

Amend House Bill 369 by striking from the title thereof the word "Local" wherever it appears therein.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Cook	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Goldsmith	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Cook	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Fletcher	Riddle	Taylor	Wellborn
Goldsmith	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 379. To provide for the drawing, summoning and empaneling of the juries for the Circuit Courts of Marshall County, and in every way providing a special jury law for Marshall County, and repealing all laws or parts of laws in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas, 24; Nays, 2.

Yeas:

Messrs.:

Browder	Kelly	St. John	Tucker
Carlton	Kuykendall	Simpson	Walden
Chesnut	Locke	Starnes	Walton
Cook	Mixon	Stoddard	Weaver
Dorsey	Rogers (Mobile)	Taylor	Wellborn
Glover	Russell	Thomas	Woodall

—24

Nays: Messrs. Bonner and Goldsmith.

—2

The bill:

H. 393. To provide for the payment to the Clerk and/or the Sheriff of DeKalb County of all costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Tucker
Browder	Kelly	Russell	Walden
Carlton	Locke	Starnes	Walton
Chesnut	Mixon	Stephens	Weaver
Dorsey	McDowell	Taylor	Wellborn
Frazer	Parrish	Thomas	Woodall
Glover	Riddle		

—26

Nays:—None.

The bill:

H. 304. To relieve all persons in Morgan County, Alabama, of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such obligation, to work on the public roads in Morgan County, Alabama.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Thomas
Carlton	Kelly	Russell	Walden
Chesnut	Locke	St. John	Walton
Cook	Mixon	Simpson	Weaver
Fletcher	McDowell	Starnes	Wellborn
Frazer	Parrish	Stoddard	Woodall
Glover	Riddle		

—26

Nays:—None.

The bill:

S. 184. To place the Sheriff of Mobile County, Alabama, on a salary basis and to provide for the salary to be paid such officer; to provide the date on which such officer shall be placed on a

salary basis; to provide for the manner of payment of the salary of such officer out of the County Treasury of Mobile County, Alabama; to provide for additional Deputies and the allowances for each of such officers and to provide the salaries and manner of payment of such salaries for such Deputies; to provide for payment into the treasury of Mobile County of all fees, fines and forfeitures collected by said Sheriff or any of the officers attached to his office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Tucker
Carlton	Kuykendall	St. John	Walden
Chesnut	Locke	Simpson	Walton
Dorsey	Mixon	Stephens	Weaver
Fletcher	McDowell	Stoddard	Woodall
Frazer	Parrish		

—26

Nays:—None.

The bill:

S. 185. For the relief of Elizabeth Jeffcoat, widow of C. P. Jeffcoat, and Eva Pickens, Zula Hill, Willie B. Dawson, Bessie Tucker and Minnie Binion, Children of C. P. Jeffcoat, deceased, and to authorize, empower and require the State Auditor of the State of Alabama, in behalf of the state to execute and deliver to the above named parties a deed without warranty or covenant of any kind on the part of the State, conveying to them all the right, title and interest of the State in and to certain real estate described in this Act, which real estate formerly belonged to said C. P. Jeffcoat in his lifetime and through inadvertence or mistake was assessed to parties other than C. P. Jeffcoat and was sold by the Tax Collector for unpaid taxes and which was purchased by the State.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 1.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Tucker
Browder	Kuykendall	St. John	Walden
Carlton	Locke	Simpson	Walton
Chesnut	Mixon	Starnes	Weaver
Cook	Mooneyham	Stoddard	Wellborn
Dorsey	McDowell	Taylor	Woodall
Glover	Parrish	Thomas	

—27

Nay: Mr. Goldsmith

—1

The bill:

H. 303. To provide for the transfer of all cases pending on the docket of the inferior Court in precinct No. 10, Morgan County, Alabama, prior to June 15, 1935, to the Justice Courts in and for precinct 10 of Morgan County, Alabama; and to further provide for the issuance of writs of execution, writs of venditioni exponas and other processes on judgments rendered by the inferior Court in precinct No. 10, Morgan County, Alabama, June 15, 1935.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walton
Cook	Mixon	Starnes	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Frazer	Parrish	Taylor	Woodall
Glover	Riddle		

—26

Nays:—None.

The bill:

H. 394. To establish the Attalla-Gadsden Sanitary District in Etowah County, Alabama, and define the boundaries, powers, duties and authority thereof; to create a commission composed of five resident adult citizens of said district as the governing body of said Sanitary District, and to define the jurisdiction, powers, duties and authority of said Commission and to fix the terms of office and provide for the appointment of the members thereof; to authorize said Sanitary District and said Commission to borrow money and issue bonds or other obligations to pay therefor, for the construction of sewer pipe lines, conduits and excavations and other structures and works in connection therewith and treatment or purification plants and other structures and appliances in connection therewith in said Sanitary District; to authorize and empower said Sanitary District and said Commission to charge and collect for the use of or the connecting with said sewer pipe lines, conduits and other structures and said treatment or purification plants and other structures, and to do all things and exercise all rights and powers heretofore conferred upon sanitary districts in the state, or which may hereafter be conferred upon them, by law, and to do all things necessary, proper or advantageous in the construction, establishment and maintenance of all structures, pipe lines, conduits or appliances in the collection, carrying away, disposal of, or treatment and purification of sewage, drainage and the

like in said District, and to confer upon said Sanitary District the powers of a public corporation and of eminent domain for the acquirement of lands, properties, easements and rights of way and to authorize said Sanitary District and said Commission in the name thereof to sue and to be sued in the courts in matters relating to the property, property rights, construction, operation and maintenance of the business of said District in the collection, disposal, treatment and purification of sewage and the drainage in said District.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	McDowell	Starnes	Weaver
Frazier	Parrish	Stephens	Woodall
Glover	Riddle		

—26

Nays:—None.

The bill:

S. 132. To provide office hours for the Sheriff, Tax Collector, Tax Assessor, Clerk of the Circuit Court, and Register of the Circuit Court.

Was taken up.

Mr. Tucker offered the following amendment to said bill to-wit:

Amend Senate Bill No. 132 by striking therefrom Section 2, and inserting in lieu thereof the following:

Section 2. All laws and parts of laws, except local laws, in conflict herewith are hereby repealed—provided however this Act shall not repeal any local acts now in existence or which may hereafter be passed.

Which was adopted.

Yeas, 18; Nays, 11.

Yeas:

Messrs.:

Bonner	Locke	Rogers (Mobile)	Tucker
Browder	Mixon	Simpson	Walden
Carlton	McDowell	Starnes	Walton
Glover	Parrish	Stoddard	Weaver
Kuykendall	Riddle		

—18

Nays:

Messrs.:

Chesnut	Goldsmith	Stephens	Wellborn
Cook	Kelly	Taylor	Woodall
Dorsey	St. John	Thomas	

—11

Mr. McDowell offered the following amendment to said bill to-wit:

Amend Section 1 of said Bill by adding the following provision:

Provided, that in all counties where there are two branches of the Circuit Court, said officers shall keep an office open at both branches during the hours herein required, and may appoint necessary deputies to enable them to comply with this Act.

Which was adopted.

Yeas, 19; Nays, 8.

Yeas:

Messrs.:

Bonner	Locke	Russell	Taylor
Browder	Mixon	Simpson	Walden
Carlton	Mooneyham	Starnes	Weaver
Kelly	McDowell	Stephens	Wellborn
Kuykendall	Rogers (Mobile)	Stoddard	

—19

Nays:

Messrs.:

Chesnut	Dorsey	Thomas	Walton
Cook	Glover	Tucker	Woodall

— 8

Mr. Woodall then moved that said bill and amendments be indefinitely postponed, which motion prevailed and the bill and amendments were so postponed.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twenty-second Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the twenty-second Legislative day approved by the Senate.

ADJOURNMENT

At 6:20 P. M., on motion of Mr. Walton and pursuant to joint resolution heretofore adopted, the Senate adjourned until Wednesday, April 15th, 1936, at 10 A. M.

TWENTY-THIRD DAY

Wednesday, April 15th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by H. G. Earnest, Door-keeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Thomas
Carlton	Kuykendall	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stephens	Wellborn
Frazer	Parrish	Stoddard	Woodall
Glover			

—33

JOURNAL

On motion of Mr. Frazer, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts a bill was introduced, read one time and referred to appropriate Standing Committee as follows:

By Mr. Dorsey:

S. 202. To propose an amendment to the Constitution of Alabama to be known as Article _____ providing for the recall of the Governor of Alabama, and providing for his successor.

Committee on Constitution and Constitutional
Revision and Amendment.

The above bill was read a first time at length as required by the Constitution.

REPORTS OF COMMITTEES

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lee (Monroe):

H. 314. To authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons. This Act shall not apply to Counties now or hereafter having a population of 90,000 or more according to the last or any succeeding Federal Census.

By Mr. Reeder:

H. 330. To amend Section 1 of an Act entitled "An Act to declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act," approved August 26, 1935.

By Mr. Jones:

H. 327. To amend Section 10 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935.

By Mr. Harrison:

H. 355. To amend Section 213 of the Code of Alabama of 1923.

By Mr. Reeder:

H. 329. To amend Sections 4, 8, and 11 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing

for its powers and duties authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935.

By Mr. Reeder:

H. 331. To amend Section 7 of an Act entitled "An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purpose of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years," approved July 10, 1935.

Mr. Carlton, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn:

H. 431. To fix the compensation or salaries to be paid the tax collectors and tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people ac-

cording to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.

By Mr. Shipman (with notice and proof):

H. 382. To authorize and empower the Court of Commissioners of Pike County in the State of Alabama, for the relief of Hattaway Lumber Company of Brundidge in said County, to pay to said company the sum of (\$212.00) Two Hundred Twelve & NO/100 Dollars, to compensate for the damage to a truck injured on the Highway of said county by an employee of the county engaged in highway work for said county.

By Mr. Robinson (with notice and proof):

H. 389. To abolish the fine and forfeiture fund of Lowndes County, Alabama; to provide for the payment into the General Fund of said county, all of the moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Lowndes County shall, in the future, be paid out of the General Fund of said County; to fix the priorities of said claims; to provide for the registration of the same; to regulate the payment of the same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

By Mr. Hill (with notice and proof):

H. 423. To require the County Governing Body of Marion County, Alabama, to allow and order paid the cost of publication of notice of intention to apply for local legislation pertaining to or applicable to said county.

Mr. Walden, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hare:

H. 106. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for licensing such dealers or the conduct of such business; to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

LEAVES OF ABSENCE

On motion of Mr. Mixon, leave of absence was granted Mr. Kuykendall for today.

At request of Mr. Earnest, Doorkeeper of the Senate, leave of absence was granted Mr. Watkins, Assistant Doorkeeper, for today, on account of illness.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engross and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 51. To prohibit persons, firms or corporations operating steam railroads in intrastate transportation of persons and property within the State of Alabama unifying or consolidating freight or passenger depots, freight or passenger terminals, freight or passenger yard tracks, freight or passenger shops or any freight or passenger terminal facilities, within the State of Alabama, used in the intrastate transportation of persons or property, where such unification or consolidation will constitute an unreasonable burden upon intrastate commerce within the State of Alabama or is not consistent with the public interest.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

RESOLUTIONS

Mr. Walton offered the following joint resolution:

S. J. R. 52. RESOLVED BY THE SENATE, the House concurring, that Senate Bill No. 51 be known and designated as the "Mooneyham-Taylor Act."

And on motion of Mr. Walton, the Rules were suspended and the resolution adopted.

Mr. Rogers of Mobile offered the following Senate resolution:

S. R. 53. Whereas, there is now pending in the Legislature H. B. 180, "To legalize and regulate the manufacture, sale and possession of alcohol, and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his term of office, compensation, and powers, and provide for his appointment; to provide and levy a license upon the sale of alcohol and alcoholic and malt beverages, and to levy an excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act." and,

Whereas, there is now pending in the Legislature S. B. 161, "To provide for and regulate the possession, manufacture, sale and other disposition of spiritous, vinous and malt liquors in the several counties of the State of Alabama whenever such possession, manufacture, sale or other disposition is authorized in and by the election by the qualified voters of the several counties of the State to be held as provided in this Act; to provide for and create the Alabama Alcoholic Beverage Control Board and to define its powers, duties and authority; to prohibit the possession, manufacture, sale or other disposition of such liquors in the State of Alabama except as authorized by this Act and to repeal all laws and parts of laws, general, special, local and private in conflict with the provisions of this Act." and

Whereas, the Senate Committee on Temperance has adopted a number of amendments to H. B. 180, now pending in the Senate, and whereas, the Senate is in doubt as to whether it requires a

majority or two-thirds vote by the House to concur in said Senate amendments, the said H. B. 180 not being included in the Governor's call for an extra session, and for this reason requiring a two-thirds vote to pass said bill, and,

Whereas, an effort will be made in the Senate to substitute a copy of S. B. 161 for House Bill 180, and the same question as to the amendments would arise in case of the substitute, therefore,

Be It Resolved by the Senate, that the Justices of the Supreme Court of Alabama, or a majority thereof, are hereby requested to render to this body their written opinion as provided under Section 10290 of the Code of Alabama, as to whether amendments or substitute to the said H. B. 180 made by the Senate require a majority vote or a two-thirds vote of the House, to concur in same, without the appointment of a conference committee giving consideration of Sections 63, 64 and 76 of the Constitution of Alabama, and

Be it further resolved that if the House concurs in Senate amendments or substitute, by the required vote, will it then be necessary for the House to pass the bill as amended by a two-thirds vote, or will the adoption of the amendments or substitute constitute the passage of the bill by the House and Senate, as required by law.

And on motion of Mr. Rogers, the rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

By Mr. Simpson:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate in all Counties having a population of forty thousand or more, according to the last Federal Census.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Senate non-concurred in the following amendment by the House to S. 117, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Bill No. 117 by striking out the words forty thousand in each place where the same occur therein including the title of the bill, and inserting in lieu thereof in each place, the words one hundred and ten thousand.

And requests Committee of Conference, and the President of the Senate named as a Committee on part of the Senate Messrs. Simpson, Rogers of Mobile and Tucker.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has adopted the following Senate joint resolution:

By Mr. Walton:

S. J. R. 16. Relative to the establishment of a Standing Committee on Interstate Cooperation in the Senate and House.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, the Senate concurred in the following amendment by the House to S. J. R. 16, the title of which is set out in the foregoing Message from the House, to-wit:

Amend S. J. R. No. 16 as follows:

(a) Strike the Senate Amendment

(b) Strike the following phrase from paragraph 6:—

“but they shall be paid their necessary expenses in carrying out their obligations under this Act”

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. McDermott:

H. 377. To amend Section One of an act entitled an Act “Allowing boxing, sparring and wrestling matches and exhibition under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission”, approved July 1, 1927; and to amend Section Three of said act as last amended August 21, 1935.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time and referred to appropriate standing committee as follows:

H. 377, to the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. McDermott:

H. 225. To provide that the Judge of Probate may reduce the official bond of an executor, administrator or special administrator upon good cause shown or permit a new bond to be filed in a reduced amount and discharge the surety or sureties on the old bond from liability for matters subsequent to the filing of such new bond.

Also:

By Mr. McDermott:

H. 376. "To authorize cities, towns, or municipalities to sell real estate which has been sold for taxes prior to January 1st, 1936, for city, town, or municipal ad valorem taxes, and bought in at such tax sale by such city, town, or municipality, without requiring the payment of interest or penalties, and to repeal all laws and parts of laws, general, special, local, or private, in conflict with the provisions of this Act."

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 225, to the Committee on Revision of Laws.

H. 376, to the Committee on Constitution, Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. McDermott:

H. 224. To amend Section 7918, Code of Alabama of 1923.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time and referred to appropriate standing committee as follows:

H. 224, to the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Calhoun:

H. 336. To amend Section No. 8281 of the Code of Alabama of 1923, so as to read as follows:

Also:

By Mr. Calhoun:

H. 337. To amend Section No. 8282 of the Code of Alabama of 1923, so as to read as follows:

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committee as follows:

House bills 336 and 337, to the Committee on Revision of Laws.

BILL INDEFINITELY POSTPONED

On motion of Mr. Mooneyham, further consideration of the bill:
S. 87. To amend Section 8966 of the Code of Alabama of 1923 relating to the statute of limitations in actions seeking relief on the ground of fraud.

Was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 187. To authorize the Board of Revenue and Road Commissioners or other governing body of Mobile County to provide funds for the maintenance and operation of the Mobile County Department of Public Welfare; to repeal all laws in conflict herewith and to fix the time when this act shall become effective, and to provide that this act shall not be in force and effect after February 15th, 1939.

Also:

H. 303. To provide for the transfer of all cases pending on the docket of the inferior Court in precinct No. 10, Morgan County, Alabama, prior to June 15, 1935, to the Justice Courts in and for precinct 10 of Morgan County, Alabama; and to further provide for the issuance of writs of execution, writs of venditioni exponas and other processes on judgments rendered by the inferior Court in precinct No. 10, Morgan County, Alabama, June 15, 1935.

Also:

H. 304. To relieve all persons in Morgan County, Alabama, of any legal obligation to work on the public roads in said County, or to pay any money in lieu of such obligation, to work on the public roads in Morgan County, Alabama.

Also:

H. 353. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than sixty-seven thousand five hundred, according to the last or any subsequent Federal census, special funds to be known as "Police-men's And City Employees' Pension And Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and all other City Departments except the Fire Department in said cities; to provide for the creation of such funds and for appropriations to

make up deficit therein, and how such funds shall be raised or acquired; to provide who shall hear and decide applications for pensions and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and other City Departments except the Fire Department in said cities during their disability, and for the retirement of such members on pension, either by reason of termination of office or disability; to provide for the pensioning of members of such Police and other City Departments except Fire Department after service therein; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Also:

H. 379. To provide for the drawing, summoning and empaneling of the juries for the Circuit Courts of Marshall County, and in every way providing a special jury law for Marshall County, and repealing all laws or parts of laws in conflict with the provisions of this Act.

Also:

H. 393. To provide for the payment to the Clerk and/or Sheriff of DeKalb County of all costs and fees accruing after the passage of this Act which would otherwise be payable out of the Fine and Forfeiture Fund of DeKalb County to be paid quarterly out of the General Fund of said County instead of out of the Fine and Forfeiture Fund of said County; to provide for the method, manner and time of payment of the same and make the same a preferred claim against the General Fund of said County, and to provide that nothing in this Act contained shall otherwise affect the law with reference to the Fine and Forfeiture Fund of DeKalb County.

Also:

H. 394. To establish the Attalla-Gadsden Sanitary District in Etowah County, Alabama, and define the boundaries, powers, duties and authority thereof; to create a commission composed of

five resident adult citizens of said district as the governing body of said Sanitary District, and to define the jurisdiction, powers, duties and authority of said Commission and to fix the terms of office and provide for the appointment of the members thereof; to authorize said Sanitary District and said Commission to borrow money and issue bonds or other obligations to pay therefor, for the construction of sewer pipe lines, conduits and excavations and other structures and works in connection therewith and treatment or purification plants and other structures and appliances in connection therewith in said Sanitary District; to authorize and empower said Sanitary District and said Commission to charge and collect for the use of or the connecting with said sewer pipe lines, conduits and other structures and said treatment or purification plants and other structures, and to do all things and exercise all rights and powers heretofore conferred upon sanitary districts in the state, or which may hereafter be conferred upon them, by law, and to do all things necessary, proper or advantageous in the construction, establishment and maintenance of all structures, pipe lines, conduits or appliances in the collection, carrying away, disposal of, or treatment and purification of sewage, drainage and the like in said District, and to confer upon said Sanitary District the powers of a public corporation and of eminent domain for the acquirement of lands, properties, easements and rights of way and to authorize said Sanitary District and said Commission in the name thereof to sue and to be sued in the courts in matters relating to the property, property rights, construction, operation and maintenance of the business of said District in the collection, disposal, treatment and purification of sewage and the drainage in said District.

Also:

H. 399. To relieve all persons in Lauderdale County, Alabama, of any legal obligation to work on the public roads or streets in said county, or to pay any money in lieu of such obligation to work on the public roads or streets in Lauderdale County, Alabama.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING

The bill:

H. 63. To revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act.

Was read a third time at length and passed.

Yeas, 27; Nays, 3.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Taylor
Browder	Goldsmith	Riddle	Thomas
Carlton	Kelly	Rogers (Mobile)	Tucker
Chesnut	Locke	Russell	Walden
Cook	Mixon	St. John	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	

—27

Nays: Messrs. Frazer, Simpson and Wellborn

— 3

The bill:

H. 373. To amend Sub-section XVI of Section 1, and part 12 of Sub-section X, and Part 4 of Subdivision VIII of Section 1 of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill, to-wit:

A BILL

To be entitled an Act to amend Part 7 of Sub-division VII of Section 1 and Sub-division XVI of Section 1, and Part 12 of Sub-division X of Section 1, and Part 4 of Sub-division VIII of Section 1, of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Part 7 of Sub-division VII of Section 1 and subdivision XVI of Section 1, and Part 12 of Sub-division X of Section 1, and Part 4 of Sub-division VIII of Section 1, of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935, be and the same is hereby amended so as to read as hereinafter shown:

Section 2. That Part 7 of Sub-division VII of Section 1, of said Act be amended so as to read as follows:

7. Mining Department: For compensation of Chief Mine Inspector \$2,800.00; other salaries \$13,000.00; supplies and materials \$650.00; postage, telephone and telegraph \$675.00; travel expense \$4,480.00; printing and binding \$900.00; motor vehicle expense \$425.00; rent, lights, heat and water \$865.00—\$23,795.00.

Section 3. That Part 4 of Sub-division VIII of Section 1 of said Act be amended so as to read as follows:

There is hereby appropriated for each of the four fiscal years ending respectively September 30, 1936, 1937, 1938 and 1939 to be paid out of any moneys in the treasury not otherwise appropriated, the several sums of money hereinafter specified, or so much thereof as may be necessary: State Service Commission: For the compensation of Commissioner \$2,400.00; other salaries \$8,000.00; supplies and materials \$500.00; postage, telephone and telegraph \$600.00; printing and binding \$120.00; travel expense \$3,000.00; insurance and bonding \$10.00; rent, lights, heat and water \$750.00—\$15,380.00.

Section 4. That Sub-division XVI of Section 1 of said Act be amended so as to read as follows:

"XVI. DEBT PAYMENT. 1. Harbor Improvement Bonds: For the year 1936 \$100,000.00; for the year 1937 \$175,000.00; for the year 1938 \$250,000.00; for the year 1939 \$250,000.00—\$775,000.00.

2. Sinking Fund for Class A Renewal, Class C Renewal and

Funding Bonds \$250,000.00 for each of the four fiscal years ending respectively September 30, 1936, 1937, 1938 and 1938, provided, however, the condition of the treasury is such in the judgment and discretion of the Governor that such sums should not be paid into said sinking fund and the Governor is hereby vested with full power and authority to discontinue any or all of the annual appropriations provided for in this Sub-section 2."

Section 5. That Part 12 of Sub-division X of Section 1 of "An Act to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935, be amended so that the same shall read as follows:

"12. To the State Department of Public Welfare \$15,000.00. There is hereby appropriated out of any monies in the treasury to the State Department of Public Welfare for each of the four fiscal years ending respectively September 30, 1936, 1937, 1938 and 1939, the sum of \$250,000.00 which shall be used by the State Department of Public Welfare for the purpose of public assistance including general home relief, outdoor and indoor care of persons in need of assistance and old age pensions and other purposes set out in an Act to create the State Department of Public Welfare, approved August 27, 1935, in accordance with and under the terms and conditions set forth and subscribed in an Act to create a Department of Public Welfare, etc., approved August 27, 1935, and appearing in the printed Acts of the Regular Session of 1935, on page 762.

This appropriation shall not be subject to the terms, conditions, provisions and limitations of the Budget and Financial Control Act.

This appropriation is made contingent upon the continued existence from year to year of the need for relief on the part of those herein provided for and whenever the Governor in his discretion shall determine that the need for any fiscal year is not sufficient to require the payment of the sum for such fiscal year, the Governor is vested with full discretion and authority to discontinue the appropriation for the year or any portion thereof as in his judgment may be to the best interest of the State of Alabama."

Section 6. This Act shall go into effect immediately upon its approval by the Governor.

Which was adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Starnes	Walton
Dorsey	Parrish	Stephens	Weaver
Fletcher	Riddle	Stoddard	Wellborn
Glover			

—29

Nays:—None.

And said Bill, as thus amended, was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Taylor
Browder	Goldsmith	Rogers (Mobile)	Thomas
Carlton	Kelly	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn

—28

Nays:—None.

The bill:

S. 151. To specify what stated purposes shall control in the expenditure of the proceeds of certain special three-mill district school taxes or special three mill county school taxes where the petition for the tax election, the order of the county governing body calling the election, the notice of the election, or the official ballot provided vary in the statement of the purposes to which the proceeds of such tax shall be devoted; to provide that such variance shall not invalidate any such election or the levy and collection of taxes voted; to provide for the curing of such variances; and to provide further what constitutes submission of purposes to which the proceeds of such tax shall be devoted within the provisions of the Special School Tax Amendment to the State Constitution.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Locke	St. John	Tucker
Chesnut	Mixon	Starnes	Walden
Fletcher	Mooneyham	Stephens	Walton
Frazer	Parrish	Stoddard	Weaver
Glover	Riddle	Taylor	Woodall
Goldsmith	Rogers (Mobile)		

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

By Mr. Rogers (Mobile):

S. 50: To Amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor," approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Rogers of Mobile, the Senate concurred in the following amendment by the House to S. 50, the title of which is set out in the foregoing Message from the House, to-wit:

A BILL

To be entitled An Act to amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To Further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees, in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor" approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

Be it enacted by the Legislature of Alabama:

Section 1. That Section Eleven (11) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor, "approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive, be amended so as to read as follows: Section 11. The bond of the County Treasurer under the general laws of the State or of the Treasurer in lieu of a county depository or of the person performing the duties usually

performed by such County Treasurer shall not be less than the largest amount of public funds in the possession or under the control of such office during the preceding fiscal year; but not to exceed a maximum of One Hundred Thousand Dollars (\$100,000.00).

Section 2. That Section fifteen and one-half (15½) of said act be amended so as to read as follows: Section 15½. That if and when a depository is or has been designated by the County Board of Education for the Public School Funds, or by the Courts of County Commissioners, Boards of Revenue or like governing bodies of the County, for the funds of the Tax Collector or County Treasurer the minimum amount of the bonds of such officers may be fixed at an amount not less than twice the amount of the average daily balance of funds on hand or under the control of such office during that month in the preceding fiscal year when such average daily balance was greatest; but not to exceed a maximum of One Hundred Thousand Dollars (\$100,000.00).

Section 3. This act shall not repeal nor modify any local act covering or providing for any of the provisions of this bill.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Browder	Goldsmith	Russell	Tucker
Carlton	Kelly	St. John	Walden
Chesnut	Locke	Simpson	Walton
Cook	Mixon	Starnes	Weaver
Dorsey	McDowell	Taylor	Wellborn
Fletcher	Rogers (Mobile)	Thomas	Woodall
Glover			

—25

Nays:—None.

BILLS ON THIRD READING RESUMED

The bill:

H. 159. To provide that certain officers of Lawrence County shall each receive an increase in pay as follows: The members of the Board of Revenue shall each receive four dollars (\$4.00) per day instead of three dollars (\$3.00) per day for services rendered to be paid from the gas tax fund and the Sheriff shall receive fifty dollars (\$50.00) per month for gas, oil and car upkeep expenses to be paid from the gas tax fund and to provide if it is illegal to pay these amounts to any of them from the gas tax fund they shall be paid from the general funds or any other unexpended county funds.

Was taken up.

The Standing Committee on Local Legislation reported the following substitute for said bill, to-wit:

Substitute for House Bill No. 159:

A BILL

To be entitled An Act to provide that certain officers of Lawrence County Alabama shall each receive an increase in pay as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars (\$3.00) per day for services rendered, to be paid from the Gas Tax Fund and to provide if it is illegal, to pay these amounts to any of them from the Gas Tax Fund, they shall be paid from the General Fund, or any other unexpended County Fund.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage of this Act, the members of the Board of Revenue of Lawrence County, Alabama, shall each receive an increase in pay as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day for services rendered instead of Three Dollars (\$3.00) per day, such increase to be paid from the Gas Tax Fund and to be in addition to any amount or amounts now allowed by law to such Board from such fund.

Section 2. If it is illegal to pay the above amounts, or any of them from the Gas Fund, such amounts as are illegal shall be paid from the General Fund or any other unexpended County Fund.

Section 3. All laws, general, special or local in conflict with the provisions of this Act, and only such laws as are in conflict, are hereby repealed.

Section 4. This Act shall take effect upon its passage and approval of the Governor.

On motion of Mr. St. John, said substitute was laid on the table.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Tucker
Cook	Mixon	Starnes	Walden
Dorsey	McDowell	Stephens	Walton
Fletcher	Parrish	Stoddard	Weaver
Frazer	Riddle	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

Mr. St. John then offered the following substitute for said bill, to-wit:

A BILL

To be entitled An Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as

follows: the members of the Board of Revenue shall each receive four dollars (\$4.00) per day instead of three dollars (\$3.00) per day for service rendered, to be paid from the general fund of the County.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage of this Act, the members of the Board of Revenue of Lawrence County, Alabama, shall each receive an increase in pay, as follows: The members of the Board of Revenue shall each receive four dollars (\$4.00) per day for service rendered instead of three dollars (\$3.00) per day, such increase to be paid from the County general funds.

Section 2. All laws, general special or local, in conflict with the provisions of this Act, and only such laws as are in conflict, are hereby repealed.

Section 3. This Act shall take effect upon its passage and approval by the Governor.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Tucker
Cook	Mixon	Starnes	Walden
Dorsey	McDowell	Stephens	Walton
Fletcher	Parrish	Stoddard	Weaver
Frazer	Riddle	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Tucker
Cook	Mixon	Starnes	Walden
Dorsey	McDowell	Stephens	Walton
Fletcher	Parrish	Stoddard	Weaver
Frazer	Riddle	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

S. 187. To abolish the Court of County Commissioners of Chilton County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26 ; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Thomas
Browder	Glover	Rogers (Mobile)	Tucker
Carlton	Goldsmith	Russell	Walden
Chesnut	Kelly	St. John	Weaver
Cook	Mixon	Simpson	Wellborn
Dorsey	Mooneyham	Taylor	Woodall
Fletcher	Parrish		

—26

Nays:—None.

The bill:

S. 188. To create the office of County Solicitor of Chilton County, Alabama; to provide for his appointment and election, and the method of appointment in the event of a vacancy; to fix his salary and define his duties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28 ; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Parrish	Taylor
Browder	Glover	Riddle	Thomas
Carlton	Kelly	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Weaver
Dorsey	Mooneyham	Starnes	Wellborn
Fletcher	McDowell	Stoddard	Woodall

—28

Nays:—None.

The bill:

S. 189. To abolish the office of Deputy Solicitor of Chilton County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29 ; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Taylor
Browder	Goldsmith	Rogers (Mobile)	Thomas
Carlton	Kelly	Russell	Tucker
Chesnut	Mixon	St. John	Walden
Cook	Mooneyham	Simpson	Weaver
Dorsey	McDowell	Starnes	Wellborn
Fletcher	Parrish	Stoddard	Woodall
Frazer			

—29

Nays:—None.

The bill:

S. 190. To establish a board of Revenue for Chilton County, Alabama, to consist of three members, one of which members shall be the chairman of said Board of Revenue; to divide Chilton County, Alabama into three districts to be known as Board of Revenue districts and define and establish the boundaries thereof; to provide that each of said districts shall have a member on said board; to confer upon the Board of Revenue all the powers, authority and jurisdiction now possessed or which may hereafter be possessed by Courts of County Commissioners, Boards of Revenue or other like governing bodies of the several counties of Alabama under the general laws; to provide for a clerk for said Board of Revenue and prescribe and fix his duties and compensation and the compensation of the members of said Board of Revenue; to provide for the appointment and election of the members of said Board of Revenue and to fix their term of office, to provide the time this act shall become a law.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Thomas
Browder	Glover	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Weaver
Dorsey	McDowell	Stoddard	Wellborn
Fletcher	Parrish	Taylor	Woodall

—28

Nays:—None.

The bill:

S. 196. To amend an Act, entitled "An Act, To abolish the office of deputy solicitor of Walker County, Alabama and to create in lieu thereof the office of County Solicitor of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his powers, duties and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time he shall take office and to repeal all general and local laws in conflict herewith in so far as they relate to said Walker County, Alabama, approved May 23, 1931."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Stoddard
Browder	Kuykendall	Russell	Taylor
Chesnut	Locke	St. John	Thomas
Cook	Mixon	Simpson	Walden
Dorsey	McDowell	Starnes	Walton
Frazer	Parrish	Stephens	Weaver
Glover	Riddle		

—26

Nays:—None.

The bill:

H. 411. To relieve all persons in Shelby County, Alabama, any in any Municipality thereof, of and from any and all legal obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, and to prohibit the levying and collecting of a per capita road or street tax in Shelby County, Alabama, or in any Municipality thereof.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	St. John	Thomas
Carlton	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Cook	Parrish	Stephens	Walton
Fletcher	Riddle	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Taylor	Woodall
Glover	Russell		

—26

Nays:—None.

The bill:

H. 135. To amend an Act of the Legislature of Alabama approved August 4, 1931 entitled, "An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama operating under the commission form of government and which now have or which may hereafter have a population of as much as twenty four thousand and less than fifty thousand people, according to the latest or any succeeding Federal Census; to provide for a civil service board in such cities and fix their duties, authorities, powers, and compensation" so as to require all members of the police department in said cities to enter into bond conditioned for the faithful and proper performance of their duties as policemen before entering upon their duties, and to provide further that their appoint-

ment shall be revoked by the civil service board upon their failure to enter into such bond within ten days after said appointment.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Chesnut	Kuykendall	Russell	Thomas
Cook	Locke	St. John	Tucker
Dorsey	Mooneyham	Simpson	Walton
Fletcher	McDowell	Starnes	Weaver
Frazer	Parrish	Stephens	Wellborn
Glover	Riddle	Taylor	Woodall
Kelly	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 415. To amend an Act entitled an Act "To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County," passed by the Legislature at its 1936 special session.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Simpson	Tucker
Carlton	Locke	Starnes	Walden
Cook	Mixon	Stephens	Walton
Fletcher	McDowell	Stoddard	Weaver
Frazer	Riddle	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Goldsmith	Russell		

—26

Nays:—None.

The bill:

H. 271. To amend an act entitled, "An Act to Regulate Further the Financing of Public Improvements, to Permit the Reduction or Abatement of Assessments Therefor in Certain Cases, to Provide for the Refunding of Bonds Issued Therefor and to Validate Proceedings Heretofore Taken Relating Thereto in Cities Having a Population of as Many as Fifty Thousand and Less Than One Hundred Thousand People According to the Last Federal Census or any Such Census which may Hereafter be Taken," approved September 2, 1935, so as to make the provisions of said Act apply to cities having a population of twenty four thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

Was taken up.

Mr. Tucker offered the following amendment to said bill, to-wit:
Amend House Bill No. 271 as follows:

1. Amend the caption of House Bill No. 271 by striking out the words "twenty four" where the same appear therein, and substitute in lieu thereof the word "twenty."

2. Amend Section one of said House bill No. 271 by striking the words "twenty four" where the same appear in said section and substitute in lieu thereof the word "twenty."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Dorsey	Mixon	Starnes	Walton
Fletcher	McDowell	Stoddard	Weaver
Frazer	Parrish	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Goldsmith	Russell		

—26

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Kelly	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Dorsey	Mixon	Starnes	Walton
Fletcher	McDowell	Stoddard	Weaver
Frazer	Parrish	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Goldsmith	Russell		

—26

Nays:—None.

The bill:

H. 170. To amend section 8 of an act entitled, "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of driver's licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the

necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed," approved September 2, 1935.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Tucker
Browder	Locke	St. John	Walden
Carlton	Mixon	Simpson	Walton
Chesnut	Mooneyham	Starnes	Weaver
Cook	McDowell	Stephens	Wellborn
Dorsey	Riddle	Taylor	Woodall
Frazer	Rogers (Mobile)	Thomas	

—27

Nays:—None.

The bill:

S. 144. To amend subsection 8 of subdivision (b) of Section 51 of Article 2 of an Act entitled, "An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue," approved August 23, 1927, and known and designated as the "Alabama Highway Code."

Was read a third time at length and lost.

Yeas, 19; Nays, 10.

Yeas:

Messrs.:

Browder
Carlton
Cook
Dorsey
Fletcher

Glover
Kelly
Mooneyham
Parrish
Riddle

Russell
Simpson
Taylor
Thomas
Walden

Walton
Weaver
Wellborn
Woodall

—19

Nays:

Messrs.:

Bonner
Chesnut
Frazer

Locke
Mixon
Rogers (Mobile)

St. John
Starnes

Stephens
Tucker

—10

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. McPhaul:

H. 370. To further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to require State tax on gasoline and motor oil used in operation of boats for taking oysters and shrimp, and freighters hauling same from where such oysters and shrimp are caught to the processing plants and raw oyster houses to be covered into the Oyster Fund, to authorize the Alabama Oyster Commission to open and close oyster reefs and planted oyster bottoms when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations, or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse

any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any buoy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in the waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same, and to provide for the repeal of all laws in conflict with the provisions of this Act; to determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain times of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and develop-

ment of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting or for commercial purposes.

And ordered sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time and referred to appropriate Standing Committee as follows: H. 370, to the Committee on Fish and Game.

RECESS

At 1:15 P. M., on motion of Mr. Frazer, the Senate took a recess until 2:30 this afternoon.

Yeas, 17; Nays, 13.

Yeas:

Messrs.:

Bonner
Carlton
Chesnut
Dorsey
Fletcher

Frazer
Glover
Locke
Mixon

Parrish
Rogers (Mobile)
McDowell
Starnes

Stephens
Tucker
Weaver
Wellborn

—17

Nays:

Messrs.:

Browder
Cook
Kelly
Mooneyham

Riddle
Russell
St. John

Simpson
Taylor
Thomas

Walden
Walton
Woodall

—13

TWENTY-THIRD DAY—AFTERNOON SESSION

Wednesday, April 15th, 1936.

The Senate re-assembled at 2:30 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Glover	Riddle	Taylor
Browder	Goldsmith	Rogers (Mobile)	Thomas
Carlton	Kelly	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stephens	Wellborn
Frazer	Parrish	Stoddard	Woodall

—32

REPORTS OF COMMITTEES

Mr. Walton, Acting Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Staples:

H. 125. To amend Section 51, of an Act approved August 23, 1927, entitled: An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for

State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turn-pikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 50. To Amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor," approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

Earle Thomas,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately

after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled bills.

RESOLUTIONS

Mr. Browder offered the following joint resolution:

S. J. R. 54. BE IT RESOLVED BY THE SENATE OF ALABAMA, the House concurring, that when the two houses adjourn today, they adjourn to meet again Thursday, April 16, at ten o'clock A. M.

Which was read and referred to the Standing Committee on Rules.

Mr. Rogers of Mobile offered the following Senate resolution:

S. R. 55. BE IT RESOLVED BY THE SENATE THAT House Bills 327, 329, 330, 331, 180 and Senate Bill 161 be made special, paramount and continuing orders of business on the next Legislative day in the order named.

Which was read and referred to the Standing Committee on Rules.

The Rules Committee reported the following joint resolution:

S. J. R. 56. BE IT RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today, they adjourn to meet again Thursday, April 16, 1936, at 11 A. M.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

BILLS ON THIRD READING

The bill:

S. 46. To amend Section 8814 of the Code of Alabama of 1923. Was read a third time at length and lost.

Yeas, 11; Nays, 14.

*Yeas:***Messrs.:**

Bonner	Mixon	Russell	Tucker	
Cook	Mooneyham	Starnes	Weaver	
Goldsmith	McDowell	Taylor		—11

*Nays:***Messrs.:**

Browder	Kelly	Simpson	Thomas	
Carlton	Parrish	Stephens	Wellborn	
Chesnut	Riddle	Stoddard	Woodall	
Glover	St. John			—14

The bill:

S. 164. To amend Section 3 of an Act approved March 10, 1933, entitled "An Act to provide for the designation by the Court of County Commissioners, Boards of Revenue or like Governing body depositaries for the official funds of County Tax Collectors, County Treasurers, Probate Judges, Circuit Court Clerks, Registers of the Circuit Court, and to provide for the designation by the County School Boards depositaries for the school funds received by the County Treasurers of School Funds; and for the liability on the official bonds of County Tax Collectors, County Treasurers, Probate Judges, Clerks of the Circuit Courts, Registers of the Circuit Court and County Treasurers of School Funds, in the event of such designation by the Court of County Commissioners, Boards of Revenue or like governing body of such county depositaries, to provide for weekly disbursements and remittances by the County Tax Collectors, and as often as it may be necessary to prevent his having on hand at any one time for a period of more than twenty-four hours more than \$7,500.00 in the event depositaries are named or designated for them, and providing that claims against such depositaries shall be preferred claims."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Mixon	St. John	Walden
Chesnut	Mooneyham	Simpson	Weaver
Cook	McDowell	Starnes	Wellborn
Dorsey	Parrish	Stephens	Woodall
Glover	Riddle	Stoddard	

—27

Nays:—None.

RE-CONSIDERATION OF VOTE

On motion of Mr. St. John, the Senate re-considered the vote by which the bill:

S. 144. To amend subsection 8 of subdivision (b) of Section 51 of Article 2 of an Act entitled, "An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Com-

missioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue," approved August 23, 1927, and known and designated as the "Alabama Highway Code".

Was lost during the morning session.

Yeas, 19; Nays, 10.

Yeas:

Messrs.:

Browder	Mooneyham	Simpson	Walton	
Cook	Parrish	Taylor	Weaver	
Glover	Riddle	Thomas	Wellborn	
Goldsmith	Russell	Tucker	Woodall	
Kelly	St. John	Walden		—19

Nays:

Messrs.:

Bonner	Dorsey	Rogers (Mobile)	Stephens	
Carlton	Mixon	Starnes	Stoddard	
Chesnut	McDowell			—10

And said bill was again read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 2.

Yeas:

Messrs.:

Browder	Goldsmith	Russell	Tucker	
Carlton	Kelly	St. John	Walden	
Chesnut	Mooneyham	Simpson	Walton	
Cook	McDowell	Stephens	Weaver	
Dorsey	Parrish	Stoddard	Wellborn	
Fletcher	Riddle	Taylor	Woodall	
Glover	Rogers (Mobile)	Thomas		—27

Nays: Messrs. Bonner and Mixon

— 2

The bill:

S. 162. To amend Section 7 of an Act approved September 2, 1935, entitled "An Act to regulate General Contracting".

Was taken up.

The Standing Committee on Public Roads and Highways reported the following substitute for said bill, to-wit:

Committee Substitute for S. 162:

A BILL

To be entitled An Act to amend Section 7 of an Act approved September 2, 1935, entitled "An Act to regulate General Contracting."

Be it enacted by the Legislature of Alabama:

Section 1. That Section 7 of the General Acts of Alabama of 1935, page 721, approved September 2, 1935, be and the same is amended to read as follows: Section 7. The Secretary-Treasurer shall keep a record of the proceedings of said Board; shall receive and account for all the monies derived from the operation of this Act. Any funds remaining in the hands of the Secretary-Treasurer to the credit of the Board after expenses of the Board for the current year have been paid, shall be paid over to the State Treasurer to the credit of the general fund of the State, on or before the 15th day of January in each succeeding year. The Board has the right, however, to retain at least twenty-five per cent of the total expense it incurs for a year's operation, to meet any emergency that may arise.

Section 2. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. This Act shall take effect immediately upon the passage thereof and approval by the Governor.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Thomas
Browder	Kelly	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Chesnut	Mooneyham	Starnes	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Stoddard	Wellborn
Fletcher	Riddle	Taylor	

Nays:—None.

—27

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Russell	Tucker
Browder	Kelly	St. John	Walden
Carlton	Mixon	Simpson	Walton
Chesnut	Mooneyham	Stephens	Weaver
Cook	McDowell	Stoddard	Wellborn
Dorsey	Parrish	Taylor	Woodall
Fletcher	Riddle	Thomas	

—27

Nays:—None.

The bill:

S. 194. To make an appropriation to the State Department of Public Welfare to be used for the purposes of public assistance including general home relief, outdoor and indoor care of persons in need of assistance and old age pensions and other purposes set out in an Act to create the State Department of Public Welfare, approved August 27, 1935; and to provide that said appropriation shall be paid immediately from the General Fund of the State and shall not be subject to the terms of the Budget and Finance Control Act, and can be discontinued in whole or in part at the discretion of the Governor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 1.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Tucker
Chesnut	Locke	Russell	Walden
Cook	Mixon	St. John	Walton
Carlton	Mooneyham	Simpson	Weaver
Dorsey	McDowell	Starnes	Woodall
Glover	Parrish	Stephens	

—27

Nay: Mr. Wellborn

— 1

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 117. To provide for a more economical, convenient and

uniform system of assessing and collecting taxes on real estate in all Counties having a population of forty thousand or more, according to the last Federal census.

And the Speaker of the House appointed as conferees on the part of the House Messrs. Welch, McDermott and Dominick.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Constitutional Amendment:

H. 11. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to provide that it shall be unlawful for the Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller by such treasurer in writing that there is then in the hands of such treasurer money available and appropriated for the full payment of the same, and to provide that all appropriations now or hereafter made shall be either absolute or conditional, and to define absolute appropriations and conditional appropriations, and to provide which appropriations shall be absolute and which appropriations shall be conditional, and to provide that all unpaid conditional appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess, and to prohibit any discrimination in the payment of conditional appropriations, and to order an election for the qualified electors of the State of Alabama upon such proposed Article XXIV, to be held on the first Tuesday after the first Monday in November, 1936.

Be it enacted by the Legislature of Alabama:

Section 1. That an amendment to the Constitution of the State of Alabama to be known and designated as Article XXIV is hereby proposed, the proposed amendment being as follows:

Article XXIV. Public education is hereby declared to be an essential and primary function of government in this State. It shall be unlawful for the Comptroller or like officer of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller or like officer by such Treasurer that

there is then in the hands of such Treasurer money available and appropriated for the full payment of the same. All appropriations now or hereafter made shall be either (a) Absolute, or (b) Conditional.

(a) The following shall be absolute appropriations, shall have preference over conditional appropriations, and to the limit of the money in the hands of the Treasurer available therefor, shall be payable in full in the order named:

1. Appropriations for payment of interest or principal or sinking fund on the public debt or on trust funds covered into the State Treasury.

2. Per capita appropriations to eleemosynary and correctional institutions and the care and maintenance of convicts.

3. Appropriations to make effective any constitutional provision setting apart any certain tax, excise, income or charge for a designated use or purpose, not including appropriations to be paid from the State's General Fund.

(b) All other appropriations shall be conditional appropriations, and shall be payable in full only in the event that after providing for payment of the absolute appropriations there remains in the hands of the Treasurer money available for the full payment of all such conditional appropriations; and in case there is insufficient money available for such full payment, then the money available to the limit of the money in the hands of the Treasurer available therefor, shall be prorated without any discrimination, and each such conditional appropriation shall be payable in the proportion which the money available bears to the total of all such conditional appropriations. At the end of each fiscal year all unpaid conditional appropriations which exceed the amount of money in the State Treasury subject to the payment of the same, after such proration, shall thereupon become null and void to the extent of such excess.

Section 2. An election by the qualified electors of the State upon such proposed amendment is hereby ordered, and the day hereby appointed for such election is the first Tuesday after the first Monday in November, 1936. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper once a week in every county in the State for four consecutive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following; viz: "Shall the following be adopted as Article XXIV of the Constitution of Alabama?" This shall be followed by setting

out said proposed amendmnet verbatim and in extense, and thereupon there shall be placed on said ballot the words:

"Yes_____"

"No_____"

The choice of the elector shall be indicated by a cross-mark made by him or under his direction expressing his desire.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this Act, the law governing general elections, and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State in the same manner as in elections of representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at said election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time at length and referred to appropriate standing committee as follows:

H. 11, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following:

By Mr. Walton:

S. J. R. 52. Relative to designating Senate Bill No. 51 as the "Mooneyham-Taylor Act".

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered the same returned to the Senate with a favorable report, to-wit:

S. R. 55. Making House bills 327, 329, 330, 331, 180 and Senate bill 161 special, paramount and continuing orders of business on the next Legislative day in the order named.

And on motion of Mr. Riddle, said report was concurred in and the resolution adopted.

REPORT FROM RULES COMMITTEE

Mr. Riddle, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

By Mr. Simpson:

S. J. R. 50. BE IT RESOLVED, by the Senate of Alabama, the House of Representatives concurring:

(1) There is hereby constituted a Committee to consist of nine members, two of whom shall be members of the Senate and shall be appointed by the Lieutenant Governor, three of whom shall be members of the House of Representatives and shall be appointed by the Speaker, and four of whom shall be resident citizens of the State of Alabama, not members of the Legislature, to be selected by the five members of the Legislature appointed as aforesaid. The four members of the Committee to be selected by the five members of the Legislature as herein provided shall be persons qualified by special knowledge, training, and experience for the work of the Committee. The Committee shall be authorized to fill any vacancies in its membership.

(2) The purpose of the Committee shall be to study the organization and functioning of State and local government in Alabama, to compile data with respect thereto, and to formulate recommendations for such changes therein looking to the improvement of government and to the betterment of its various services in the State as the Committee shall find desirable.

(3) The five members of the Legislature designated as herein provided to serve on the said Committee shall select the remaining four members not later than one week following the final adjournment of this Special Session of the Legislature and the Committee shall within two weeks thereafter meet in the Senate Chamber,

elect a chairman and organize for the conduct of its work. The Committee shall meet thereafter at such times and places as it may designate or on the call of its Chairman or a majority of its members. The Committee may from time to time divide itself into such sub-committees as it may find advisable. The Committee shall serve without compensation and shall not be authorized to incur any financial obligation or indebtedness in behalf of or on account of the State of Alabama or any county or any municipality or institution or governing body thereof.

(4) It shall be the function of the Committee to consider and study (a) legislative reports and inquiries, (b) reports of departments, boards, bureaus, commissions, and officers of the State government and of governmental subdivisions and institutions of the State, (c) reports of other public and private agencies pertaining to State and local government in Alabama heretofore or hereafter made, and (d) to make such further and additional investigations relating to the general scope of its study as the Committee may deem necessary or desirable. To facilitate the work of the Committee in such investigations, officers of the State government, heads and personnel of departments, bureaus, boards, institutions, and other bodies and agencies of the State, officers and employees of municipalities, counties, institutions, boards, and other local subdivisions and agencies of the government in the State are authorized and requested to supply the Committee with, and to assist it in compiling such data as the Committee may request. The Committee is further authorized to hear and enlist the aid of such private citizens, groups, and institutions as may be able to inform the Committee on any aspect of its study and to designate subcommittees of private citizens to study specific subjects. The Committee is further authorized to request of the Federal Government or of any department or agency thereof such data relating to government in Alabama as may be available.

(5) The Committee shall file a report of findings and recommendations not later than December 1, 1937, and may file supplemental reports prior to the convening of the next regular Session of the Legislature. One copy of its reports shall be filed with the Governor, one copy with the Secretary of the Senate, and one copy with the Clerk of the House of Representatives, and the said reports shall be public information.

(6) In the conduct of its work, the Committee is authorized to accept and utilize funds and services contributed to it by the Federal Government or any agency thereof or by foundations or other private sources, and the Committee shall file with its said reports itemized statements of the amounts and sources of all funds

so contributed and an itemized statement of its expenditures thereof.

And said resolution was read a third time at length and lost.

Yeas, 15; Nays, 15.

Yeas:

Messrs.:

Bonner	Goldsmith	Russell	Walden	
Carlton	Locke	Simpson	Weaver	
Dorsey	McDowell	Starnes	Wellborn	
Fletcher	Rogers (Mobile)	Tucker		—15

Nays:

Messrs.:

Browder	Kelly	Riddle	Taylor	
Chesnut	Mixon	St. John	Thomas	
Cook	Mooneyham	Stephens	Woodall	
Glover	Parrish	Stoddard		—15

PAIR ANNOUNCED

Mr. Frazer announced that he and Mr. Walton were paired on this vote; that Mr. Walton, if present, would vote "no", and he, Mr. Frazer, would vote "yea".

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendments to the following House bills:

By Mr. Lusk:

H. 271. To amend an act entitled, "An Act to regulate further the financing of public improvements, to permit the reduction or abatement of assessments therefor in certain cases, to provide for the refunding of bonds issued therefor and to validate proceedings heretofore taken relating thereto in cities having a population of as many as fifty thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken," approved September 2, 1935, so as to make the provisions of said Act apply to cities having a population of twenty thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

Also:

By Mr. Byars:

H. 159. To provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: the members

of the Board of Revenue shall each receive four dollars (\$4.00) per day instead of three dollars (\$3.00) per day for services rendered, to be paid from the general fund of the County.

Also:

By Mr. DeVane:

H. 373. To amend Part 7 of Sub-division VII of Section 1 and Sub-division XVI of Section 1, and Part 12 of Sub-division X of Section 1, and Part 4 of Sub-division VIII of Section 1, of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935.

E. F. Taylor,
Clerk.

MOTION TO INDEFINITELY POSTPONE

Mr. Rogers of Mobile moved that all Senate bills on the Senate Calendar be indefinitely postponed.

Mr. Stoddard moved to table the motion to indefinitely postpone, which motion prevailed and the motion of Mr. Rogers was tabled.

Yeas, 17; Nays, 12.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Fletcher

Glover
Mixon
Parrish
St. John

Stephens
Stoddard
Taylor
Thomas

Walton
Weaver
Wellborn
Woodall

—17

Nays:

Messrs.:

Dorsey
Frazer
Goldsmith

Kelly
Locke
Mooneyham

Rogers (Mobile)
Russell
Simpson

Starnes
Tucker
Walden

—12

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

By Rules Committee:

S. J. R. 56. Relative to the two Houses adjourning today to meet again Thursday, April 16, 1936, at 11 A. M.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

BILLS ON THIRD READING RESUMED

The bill:

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend H. B. 136 as follows—strike therefrom the words and figures "thirty Thousand Dollars (\$30,000)" where the same occur together and substitute therefor the words "Twenty Thousand Dollars (\$20,000)".

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Stephens
Browder	Goldsmith	Rogers (Mobile)	Stoddard
Carlton	Kelly	Russell	Taylor
Chesnut	Locke	St. John	Walden
Fletcher	Mixon	Simpson	Weaver
Frazer	Mooneyham	Starnes	Woodall

—24

Nays:—None.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Stephens
Browder	Goldsmith	Rogers (Mobile)	Stoddard
Carlton	Kelly	Russell	Taylor
Chesnut	Locke	St. John	Tucker
Cook	Mooneyham	Simpson	Weaver
Fletcher	Parrish	Starnes	Woodall

—24

Nays:—None.

The bill:

H. 204. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, Page 950)

Was taken up.

Mr. Simpson offered the following amendment to said bill, to-wit:

Amend Section 4 of House Bill No. 204, by adding the following at the end thereof:

Sub-division C. Whenever requested by the Unemployment Compensation Commission to perform certain acts in connection with the Unemployment Compensation Commission, the Alabama State Employment Service shall perform such acts as are requested and in the manner prescribed by the Unemployment Compensation Commission as expeditiously and economically as may be, and shall render to the Unemployment Compensation Commission a Statement of the actual expenses incurred by the Alabama State Employment Service, and the manner in which they were performed, whereupon the Unemployment Compensation Commission shall pay to the Alabama State Employment Service the amount of such expenses incurred.

Further amend House Bill No. 204 by adding thereto the following section:

Section 5½. It is expressly provided that in the event the Supreme Court of the United States shall hold Title Three or Title Nine of the Federal "Social Security Act" approved by the President August 14th, 1935, unconstitutional or inoperative for any reason whatsoever, then this Act shall become void, inoperative and of no effect and all payments of levies, contributions, taxes or pay-roll deductions made hereunder and then remaining unexpended shall be returned ratably to those making such payments and if such payments contain in whole or part deductions from the remuneration of employees, such employees shall in turn be repaid ratably such deductions as are returned on their account to their employers.

Which was adopted.

Yeas, 23; Nays, 1.

Yeas:

Messrs.:

Bonner	Fletcher	Russell	Tucker
Browder	Glover	St. John	Walden
Carlton	Kelly	Simpson	Walton
Chesnut	Mixon	Starnes	Weaver
Cook	Parrish	Stephens	Woodall
Dorsey	Riddle	Stoddard	

—23

Nay: Mr. Taylor

— 1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 1.

Yeas:

Messrs.:

Browder	Glover	Simpson	Tucker
Carlton	Kelly	Starnes	Walden
Chesnut	Mixon	Stephens	Walton
Cook	Mooneyham	Stoddard	Weaver
Dorsey	Riddle	Taylor	Wellborn
Fletcher	Russell	Thomas	Woodall
Frazer	St. John		

—26

Nay: Mr. Locke

— 1

The bill:

H. 171. To amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1932, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act of the Legislature of Alabama, approved August 20, 1927, entitled; 'An Act

to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to amend Section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, 'An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' approved August 20, 1927."

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Taylor
Browder	Goldsmith	Russell	Thomas
Carlton	Kelly	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer			

—29

Nays:—None.

The bill:

H. 256. To amend Section 7795 of the Code of Alabama of 1923, relating to the issuance by clerks and registers of executions on judgments and decrees.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Weaver
Dorsey	Parrish	Stephens	Wellborn
Fletcher	Riddle	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 398. A Bill to be entitled An Act to submit to the qualified voters of the State at the next general election to be held on the first Tuesday after the first Monday in November 1936 for their consideration, an Amendment to the Constitution of the State of Alabama to be known as Amendment No. _____ to fix the compensation of the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely:

“Amendment to Constitution by the addition of Section.....
After the respective effective dates hereof the Probate Judge, the Tax Collector and the Tax Assessor of LIMSTONE County shall each continue to collect all fees, charges, benefits and penalties accruing to such offices or to the holders thereof and shall pay the same into, and the same shall be covered into the general fund of the Treasury of LIMSTONE County. Thereafter the Probate Judge shall be paid out of the General Fund of the Treasury of said County in equal monthly installments the sum of Six Thousand Dollars (\$6,000.00) and no more per annum as salary and as reimbursement for his clerk hire, and the Tax Collector and the Tax Assessor shall each be paid the sum of Three Thousand Dollars (\$3,000.00) from the same fund for the same purposes and in the same installments. The Probate Judge, the Tax Collector and the Tax Assessor shall each be provided by the governing body of said County with a furnished office and equipment and supplies for the carrying on of the duties of their respective office, but they shall not be provided with any clerical hire. The provisions hereof shall be effective with respect to the Probate Judge at the beginning of the term of office of the Probate Judge elected in November, 1940, and with respect to the Tax Collector and the Tax Assessor at the beginning of the term of office of the Tax Collector and the Tax Assessor elected in November, 1938.”

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the general election in November, 1936, of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on the first Tuesday after the first Monday in November, 1936, the foregoing Amendment shall be submitted to the qualified electors of the State. Upon the ballots used at such election shall be printed the foregoing Amendment as set forth in Section One hereof in full. Following the proposed Amendment on the Ballot shall be printed the word “Yes” and immediately under that shall be printed the word “No”. The choice of the elector shall be indicated by a cross mark beside the word expressing his desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed

amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

Was read a third time at length as required by the Constitution and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Clover	Russell	Thomas
Browder	Kelly	St. John	Tucker
Carlton	Locke	Simpson	Walden
Chesnut	Mixon	Starnes	Walton
Cook	Mooneyham	Stephens	Weaver
Dorsey	Parrish	Stoddard	Wellborn
Fletcher	Riddle	Taylor	Woodall
Frazer	Rogers (Mobile)		

—30

Nays:—None.

The bill:

H. 294. A Bill to be entitled An Act to propose an amendment to the Constitution of the State of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipality, at an election or elections to be held by it from time to time for such purpose, and to order an election of the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for state and county officers in November 1936.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama of 1901 is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the general election to be held in 1936.

The proposed amendment is as follows;

The Town of Montevallo, Alabama, shall have the power and right to levy and collect a tax of one half of one per centum in any one year on property situated therein based on the valuation of such property as assessed for State taxation for the tax year ending on the 30th day of September next succeeding the levy; provided, that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality, provided, further, that a majority of the qualified electors of said municipality voting at an election called for that purpose may vote a special tax not to exceed one half of one percentum in any one year for any special purpose, or purposes for which it is levied and collected; provided, however, that the total tax to be levied shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year. Provided, further, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon it, under the Constitution or any amendment thereto. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words; "For-----
-----excess rate of taxation for the year (or years)-----;" and "Against-----excess rate of taxation for the year (or years)-----". The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor, and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the excess rate shown by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors of said municipality to levy a special tax for a specified purpose, and such proposition is defeated, no second election for the same purpose shall be held in one year thereafter.

Section 2. It shall be the duty of the governor to give notice by proclamation, to be published in one newspaper in each county in the State, at least eight consecutive weeks next preceding the

said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz; Shall the following, be adopted as an amendment to the Constitution of Alabama: The Town of Montevallo, Alabama, shall have the power and the right to levy and collect a tax of one half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality; provided further, that a majority of the qualified voters of said municipal corporation voting at an election called for the purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which the same was levied and collected; provided, however, that the total tax to be levied by any municipal corporation shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporation for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words: "For_____excess rate of taxation for the year (or years)_____;" and "Against_____excess rate of taxation for the year (or years)_____." The rate of taxation proposed in excess of the rate of one per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different excess rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown, by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corpora-

tion heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy a special tax for a specified purpose, and such proposition is defeated no second election for the same purpose shall be held in one year thereafter. This amendment shall be self-executing and no Act of the legislature shall be required to put the same, or any part thereof, in force.

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provisions concerning amendmets to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Section 6. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the state treasury in the same manner as the expenses of the general elections are paid.

Was taken up.

Mr. Thomas offered the following amendment to said bill, to-wit:

Amend H. B. No. 294 by adding thereto Section 7 as follows:

Section 7. Provided the right herein granted to levy additional taxes when the proposed amendment to the Constitution of the State of Alabama of 1901, is ratified at the next general election for state and county officers in November 1936, shall not be exercised unless and until same is ratified by a majority vote of the voters of the Town of Montevallo at a special election to be held when called by the Mayor and Council of the Town of Montevallo.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Weaver
Dorsey	Parrish	Stephens	Woodall
Frazer	Riddle	Stoddard	

—27

Nays:—None.

And said bill, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Tucker
Browder	Kelly	Russell	Walden
Carlton	Mixon	St. John	Walton
Chesnut	Mooneyham	Starnes	Weaver
Cook	Parrish	Stephens	Wellborn
Dorsey	Riddle	Thomas	Woodall
Frazer			

—25

Nays:—None.

The bill:

S. 195. To amend Sub-section XVI of Section 1 of "An Act, to make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools." Approved September 6, 1935.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Weaver
Dorsey	Parrish	Stephens	Wellborn
Fletcher	Riddle	Taylor	Woodall
Frazer			

—29

Nays:—None.

The bill:

H. 133. To amend Section 103 of Article 4 of an act entitled

"To provide for the general revenue of the State of Alabama" approved July 10, 1935, pertaining to and providing for appeals from final assessments by the State Tax Commission.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Thomas
Browder	Kelly	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mixon	Simpson	Weaver
Cook	Mooneyham	Starnes	Wellborn
Dorsey	Parrish	Stephens	Woodall
Fletcher	Riddle	Taylor	

—27

Nays:—None.

The bill:

H. 308. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama whereby the following school districts: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting at such election; provided further that the said district tax shall not be voted or collected in said Districts unless and until the County in which said School District is located is levying and collecting not less than a 3-Mill County-wide Special School Tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the following school districts as defined in Section 2 of Article XIX of the Constitution; Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterboro, and

Laniers, Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle, as now or hereafter constituted in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District Tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterboro and Laniers, Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following, viz., "Shall the following be adopted as an Amendment to the Constitution of Alabama: The following School Districts as defined in Section 2, Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winter-

boro and Laniers, Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle as now or hereafter constituted in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterboro and Laniers Enterprise, Opp, Sylacauga, Abbeville, Newville and Headland and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School District; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1917, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force.

_____Yes

_____No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

Was taken up.

The Standing Committee on Constitution, Constitutional Revision and Amendments reported the following amendment to said bill, to-wit:

Amend H. B. 308 by striking therefrom and from the caption thereof the names of the following cities wherever the same occur therein, viz: Abbeville, Newville and Headland and insert in lieu thereof, both in the caption and in said bill the following named cities, viz: Clanton and Midland City and Montevallo.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Riddle	Thomas
Browder	Glover	Rogers (Mobile)	Tucker
Carlton	Kelly	Russell	Walden
Chesnut	Locke	St. John	Walton
Cook	Mixon	Starnes	Weaver
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	Parrish	Taylor	Woodall

—28

Nays:—None.

And said bill, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas, 24; Nays, 1.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Tucker
Browder	Kelly	Russell	Walden
Carlton	Locke	Starnes	Walton
Chesnut	Mixon	Stephens	Weaver
Dorsey	Mooneyham	Taylor	Wellborn
Fletcher	Parrish	Thomas	Woodall

—24

Nay: Mr. St. John

— 1

The bill:

H. 8. To Amend Section 161-A of an Act "To Provide for the General Revenue of the State of Alabama" Approved July 10, 1935.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill, to-wit:

Substitute for H. 8.

A BILL

To be entitled An Act to amend Section 161-A of an Act "To Provide for the General Revenue of the State of Alabama" approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 161-A of an Act "To Provide for the General Revenue of the State of Alabama", approved July 10, 1935, be amended to read as follows:

Section 161-A. The fees, compensations and earnings of the Tax Collector allowed under the revenue laws of the State, shall not together with all other fees, compensation, allowances and earnings to them, exceed Five Thousand Four Hundred Dollars, (\$5400.00) net annually. Provided, that after the term of office beginning with the first of October, 1935, expires, then the fees, compensation and earnings of the Tax Collector allowed under the revenue laws of the State, shall not together with all other fees, compensations, allowance, and earnings to them, exceed four thousand dollars, (\$4000.00) net annually, after the payment of the salaries for clerks, typists, stenographers, and other office expenses in Counties where the Tax Collector is not paid a fixed salary; and the expenses of the office in such Counties for clerks, typists, stenographers, and other expenses shall not exceed in counties having a population according to the Federal Census as follows:

10 to 30 thousand—\$100.00 per month. 30 to 40 thousand—\$125.00 per month. 40 to 50 Thousand—\$150.00 per month. 50 to 65 Thousand—\$200.00 per month. 65 to 85 Thousand—\$250.00 per month. 85 to 110 Thousand—\$300.00 per month. 110 to 125 Thousand—\$800.00 per month. 125 to 500 Thousand—\$1,500.00 per month, provided that in Counties of 63,000 to 98,000 population according to the Federal census where the assessments for ad valorem taxes in any one year exceeds \$22,000,000.00, the expenses of the Tax Collector's office in such counties for clerks, typists, stenographers and other expenses may be increased to, but shall not exceed \$350.00 per month.

Section 2. This Act shall go into effect upon its approval by the Governor.

Which was adopted.

Yeas, 21; Nays, 1.

Yeas:

Messrs.:

Bonner	Glover	Russell	Tucker
Browder	Kelly	St. John	Walden
Carlton	Locke	Starnes	Walton
Chesnut	Mixon	Taylor	Weaver
Dorsey	Mooneyham	Thomas	Woodall
Fletcher			

—21

Nay: Mr. Stephens

— 1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 1.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Tucker
Browder	Kelly	Russell	Walden
Carlton	Locke	St. John	Walton
Chesnut	Mixon	Starnes	Weaver
Dorsey	Mooneyham	Taylor	Woodall
Fletcher			

—21

Nay: Mr. Stephens

— 1

MOTION TO INDEFINITELY POSTPONE

Mr. Woodall moved that further consideration of the bill:

H. 32. To propose an amendment to Section 59 of Article 4 of the Constitution of Alabama of 1901, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next regular general election after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be indefinitely postponed, which motion prevailed and said bill was so postponed.

Yeas, 19; Nays, 10.

Yeas:

Messrs.:

Bonner	Frazer	Parrish	Taylor
Browder	Glover	Riddle	Thomas
Carlton	Kelly	St. John	Walton
Chesnut	Mixon	Starnes	Woodall
Cook	Mooneyham	Stephens	

—19

Nays:

Messrs.:

Dorsey	Rogers (Mobile)	Tucker	Weaver
Frazer	Russell	Walden	Wellborn
Locke	Simpson		

—10

Mr. Mooneyham moved that the vote by which said bill was indefinitely postponed, be re-considered, which motion was lost and the Senate refused to re-consider said vote.

Mr. Dorsey moved that the Senate do now adjourn until tomorrow morning at 11 A. M., which motion was lost.

Yeas, 10; Nays, 19.

Yeas:

Messrs.:

Dorsey	Rogers (Mobile)	Tucker	Weaver	
Frazer	Russell	Walden	Wellborn	
Locke	Simpson			—10

Nays:

Messrs.:

Bonner	Fletcher	Parrish	Taylor	
Browder	Glover	Riddle	Thomas	
Carlton	Kelly	St. John	Walton	
Chesnut	Mixon	Starnes	Woodall	
Cook	Mooneyham	Stephens		—19

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Staples:

H. 360. To provide for the conversion or exchange of coupon bonds into registered bonds of the same series, denominations and maturities and for the conversion or exchange of registered bonds into coupon bonds of the same series denominations and maturities so that coupon bonds and registered bonds of the same series, denominations and maturities shall be interchangeable, at the option of the holder thereof, of all bonds of the State of Alabama of every kind and character heretofore issued which constitute a direct obligation of the State of Alabama and for the payment of which the full faith and credit of the State of Alabama is pledged; to provide for such conversions or exchanges; to fix the duties of the Governor and State Treasurer relative thereto; to fix the fees to be paid for such conversions or exchanges; to provide for the period during which no such conversions shall be made; to provide for an additional clerk for the State Treasurer; and to provide for the repeal of all laws and parts of laws, general, special, local and private, in conflict with the provisions of this Act."

And ordered same sent forthwith to the Senate without engrossment.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time and referred to appropriate Standing Committee as follows: H. 360, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President :

The House has originated and adopted the following :

By Mr. Poole:

H. J. R. 90. WHEREAS the Southern States are by nature adapted to the raising of cotton, and

WHEREAS cottonseed represents approximately 20% of the value of the entire cotton crop and is the second most important cash crop of southern farmers; and

WHEREAS the price of cottonseed is largely dependent upon the price of cotton oil and it in turn depends upon the uses to which it is put; and

WHEREAS the highest prices are paid for cottonseed oil when used for edible purposes, including the manufacture of margarine;

WHEREAS in the last three years it has been discovered that the most superior brands of margarine can be made of cottonseed and peanut oils, and

WHEREAS national legislation is now in effect which puts an unfair tax on margarine, made from cottonseed oil and other wholesome domestic fats, and legislation is being proposed still further to discriminate against margarine;

AND WHEREAS we believe it is unfair and unAmerican to tax or otherwise discriminate against the wholesome products of one group of American farmers for the benefit of another group of farmers, where a product is sold in its own name and on its own merits and not in substitution for any other product; and

WHEREAS it is unfair to consumers, particularly of low income, to have a wholesome low cost food needed for adequate diet removed from the markets by discriminatory legislation;

NOW THEREFORE BE IT RESOLVED, In the interest of southern producers and of consumers everywhere, that the Legislature of Alabama hereby calls upon our representatives in Congress to lend their support and influence to repeal discriminatory **restrutions** which hinder the free and unmolested sale and use of margarine in the United States, and to prevent further discriminations in whatever way such discrimination may appear.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 90, set out in the foregoing Message from the House, was concurred in and adopted.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twenty-third Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the twenty-third Legislative day approved by the Senate.

ADJOURNMENT

At 5:50 P. M., on motion of Mr. Dorsey and in accordance with joint resolution heretofore adopted, the Senate adjourned until tomorrow, April 16th, 1936, at 11 A. M.

TWENTY-FOURTH DAY

Thursday, April 16th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The Session was opened with prayer by Senator Chesnut, of Cherokee County.

ROLL CALL

Present:

Messrs.:			
Bonner	Goldsmith	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Parrish	Swift	Woodall
Glover	Riddle		

—34

JOURNAL

On motion of Mr. Rogers (Mobile) the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORTS OF COMMITTEES

Mr. Frazer, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Calhoun:

H. 337. To Amend Section No. 8282 of the Code of Alabama of 1923, so as to read as follows:

By Mr. Calhoun:

H. 336. To Amend Section No. 8281 of the Code of Alabama of 1923, so as to read as follows:

Mr. Fletcher, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Staples:

H. 360. To provide for the conversion or exchange of coupon bonds into registered bonds of the same series, denominations and maturities and for the conversion or exchange of registered bonds into coupon bonds of the same series, denominations and maturities so that coupon bonds and registered bonds of the same series, denominations and maturities shall be interchangeable, at the option of the holder thereof, of all bonds of the State of Alabama of every kind and character heretofore issued which constitute a direct obligation of the State of Alabama and for the payment of which the full faith and credit of the State of Alabama is pledged; to provide for such conversions or exchanges; to fix the duties of the Governor and State Treasurer relative thereto; to fix the fees to be paid for such conversions or exchanges; to provide for the period during which no such conversions shall be made; to provide for an additional clerk for the State Treasurer; and to provide for the repeal of all laws and parts of laws, general, special, local and private, in conflict with the provisions of this Act."

By Mr. Kelly:

H. 11. To propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to provide that it shall be unlawful for the Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller by such treasurer in writing that there is then in the hands of such treasurer money available and appropriated for the full payment of the same, and to provide that all appropriations now or hereafter made shall be either absolute or conditional, and to define absolute appropriations and conditional appropriations, and to provide which appropriations shall be absolute and which appropriations shall be conditional, and to provide that all unpaid conditional appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess, and to prohibit any discrimination in the payment of conditional appropriations, and to order an election for the qualified electors of the State of Alabama upon such proposed Article XXIV, to be held on the first Tuesday after the first Monday in November, 1936.

The above bill was read a second time at length as required by the Constitution.

Mr. Dorsey, Chairman of the Standing Committee on Fish and Game, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McPhaul:

H. 370. To further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to require State tax on gasoline and motor oil used in operation of boats for taking oysters and shrimp, and freighters hauling same from where such oysters and shrimp are caught to the processing plants and raw oyster houses to be covered into the Oyster Fund, to authorize the Alabama Oyster Commission to open and close oyster reefs and planted oyster bottoms when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any buoy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make **it unlawful for any person, firm, corporation or association to buy**

or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in the waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same, and to provide for the repeal of all laws in conflict with the provisions of this Act; to determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain times of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters

or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting or for commercial purposes.

MOTION TO RE-REFER

Mr. Rogers of Mobile moved that the bill:

H. 11. To propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to provide that it shall be unlawful for the Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller by such treasurer in writing that there is then in the hands of such treasurer money available and appropriated for the full payment of the same, and to provide that all appropriations now or hereafter made shall be either absolute or conditional, and to define absolute appropriations and conditional appropriations, and to provide which appropriations shall be absolute and which appropriations shall be conditional, and to provide that all unpaid conditional appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess, and to prohibit any discrimination in the payment of conditional appropriations, and to order an election for the qualified electors of the State of Alabama upon such proposed Article XXIV, to be held on the first Tuesday after the first Monday in November, 1936.

Which was previously referred to the Committee on Finance and Taxation be re-referred to the Committee on Constitution, Constitutional Revision and Amendments, which motion was lost.

Yeas, 10; Nays, 21.

Yeas:

Messrs.:

Carlton
Frazer
Glover

Kelly
Kuykendall
Locke

McDowell
Rogers (Mobile)

Simpson
Taylor

—10

Nays:

Messrs.:

Bonner
Browder
Chesnut
Dorsey
Fletcher
Goldsmith

Mixon
Mooneyham
Parrish
Russell
St. John

Starnes
Stephens
Stoddard
Swift
Tucker

Walden
Walton
Weaver
Wellborn
Woodall

—21

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Boswell:

H. 369. To amend Section Two of an Act of the Local Legislature of 1931 to provide for the election of a County Superintendent of Education for Geneva County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

E. F. Taylor,
Clerk.

OPINION FROM THE SUPREME COURT

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1935-36.

In re: Senate Resolution No. 53.

To the Honorable Lieutenant Governor and Members of the Senate of Alabama:

Sirs:

The two-thirds vote required by Section 76 of the Constitution for the passage of a bill embodying legislation on a subject not designated in the Governor's call for a special session, applies to the final action in each House on the proposed law. Hence, if H. B. 180 be amended in the Senate, a concurrence by the House would require a two-thirds vote by yeas and nays entered on the Journal as provided by Section 64 of the Constitution.

An amendment in the form of a substitute bill would be subject to the same rule. If the House concurs in Senate amendments by such two-thirds vote, it is not necessary that the House again vote on the amended bill as a whole.—*Brandon, Auditor, v. Askeu, Solicitor*, 172 Ala. 160, 54 So. 605.

If the bill goes to a conference committee, the bill, as reported by that committee, must be passed by a like vote in each House, unless the bill, as reported by the conference committee, is the same bill in all respects as that already passed by one House. In such event, it would only be necessary for the bill, as reported by the conference committee, to be passed by the same two-thirds vote in the other House.—*Board of Revenue of Jefferson County et al. v. Crow*, 141 Ala. 126.

JNO. C. ANDERSON,,
Chief Justice.
LUCIEN D. GARDNER,
WILLIAM H. THOMAS,
VIRGIL BOULDIN,
JOEL B. BROWN,
A. B. FOSTER,
THOMAS E. KNIGHT,
Associate Justices.

OPINION

The foregoing opinion was read and ordered spread upon the Journal.

CONSIDERATION OF SPECIAL ORDERS

The Senate proceeded to consider the Special Orders on today's Calendar, the first of which was the bill:

H. 327. To amend Section 10 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935.

Was read a third time at length and passed.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Parrish	Swift
Browder	Goldsmith	Riddle	Taylor
Carlton	Kelly	Rogers (Mobile)	Tucker
Chesnut	Kuykendall	Russell	Walden
Cook	Locke	St. John	Walton
Dorsey	Mixon	Starnes	Weaver
Fletcher	Mooneyham	Stephens	Wellborn
Frazer	McDowell	Stoddard	Woodall

—32

Nays:—None.

The bill:

H. 329. To amend Sections 4, 8 and 11 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it

to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Tucker
Carlton	Kuykendall	St. John	Walden
Chesnut	Locke	Simpson	Walton
Cook	Mixon	Stephens	Weaver
Dorsey	Mooneyham	Stoddard	Wellborn
Fletcher	McDowell	Swift	Woodall
Frazer	Parrish		

—30

Nays:—None.

The bill:

H. 330. To amend Section 1 of an Act entitled "An Act to declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act," approved August 26, 1935.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Riddle	Taylor
Browder	Kelly	Rogers (Mobile)	Tucker
Carlton	Kuykendall	Russell	Walden
Chesnut	Locke	St. John	Walton
Cook	Mixon	Simpson	Weaver
Dorsey	Mooneyham	Stephens	Wellborn
Fletcher	Parrish	Stoddard	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 331. To amend Section 7 of an Act entitled "An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purpose of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years," approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Tucker
Carlton	Locke	St. John	Walden
Chesnut	Mooneyham	Simpson	Walton
Cook	McDowell	Stephens	Weaver
Dorsey	Parrish	Stoddard	Wellborn
Fletcher	Riddle	Swift	Woodall
Glover			

—29

Nays:—None.

The bill:

H. 180. To legalize and regulate the manufacture, sale and possession of alcohol, and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his term of office, compensation, and powers, and provide for his appointment; to provide and levy a license upon the sale of alcohol and alcoholic and malt beverages, and to levy an excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act.

Was taken up.

The following amendment was reported by the Standing Committee on Temperance to-wit:

Amend subdivision b of section 24 of H. B. 180 by adding to the first sentence thereof the following clause:—

"provided, however, that any such license or permit fee shall not exceed that imposed by this act for the benefit of the State."

Amend subdivision a of Section 34 of H. B. 180 by substituting therefor the following:—

There is levied on each gallon of alcoholic malt beverages manufactured, sold, given away or withdrawn for sale in the State of Alabama an excise tax of five cents (5¢) per gallon. Said excise tax is hereby levied in addition to any and all license fees which may have been paid at the time of or as a condition to the granting of any permit. Provided however, that the excise fee shall not apply to or be payable upon alcoholic malt beverages withdrawn for sale and actually sold and delivered outside the State of Alabama by a licensee under this Act.

Amend Section 20 of H. B. 180 by striking therefrom the paragraphs reading as follows:

Both the application and permit shall set forth the name and address of the person whom said salesman or agent represents, and also the name and address of the applicant.

Such salesmen or agent shall not represent any person whose name does not appear upon said permit as his employer, nor act as such salesman or agent for any other person not named therein. No person shall act as salesman or agent under the same permit for more than one person, firm, corporation or association.

Amend H. B. 180, Section 5, Subsection (a) (9) beginning on line 22 on page 6 of the printed bill, to read as follows:

(9) To regulate advertising, signs and displays, posters or designs intended to advertise any alcoholic beverage or the place where the same is sold; but all advertisements whatsoever of or relating to alcoholic beverages shall conform to the rules and regulations of the Commissioner as to the descriptions of the alcoholic beverages therein referred to, and any person may not knowingly advertise alcoholic beverages which the Commissioner has declared misbranded or adulterated or mislabeled.

Amend the bill by adding thereto a new section, to read as follows:

Section 51. Sections 4666, 4667, 4668, 4669 and 4670 of the Code of Alabama of 1923 be and the same are hereby repealed.

Amend the title of the bill by adding thereto the following:

and to repeal sections 4666, 4667, 4668, 4669 and 4670 of the Code of Alabama of 1923.

Amend the bill by striking therefrom all of subsection (d) of Section 3 of the printed bill from and including line 3 and up to and through line 21 on page 35 of said bill.

Amend Section 18 of H. B. 180 by inserting in the last sentence thereof, following the words "Shall also be issuable", where they appear together in said sentence, the words by the Commissioner

Amend Section 24 of H. B. 180 by adding at the end of subsection (a) thereof the following:

except that no license shall be levied or collected for the benefit of any county in connection with the issuance of dining car beer permits as provided for under Section 10 hereof, nor dining car wine permits as provided for under Section 18 hereof.

Further amend Section 24 of H. B. 180 by adding at the end of subsection (b) thereof the following:

except that no license shall be levied or collected for the benefit of any city or town in connection with the issuance of dining car beer permits as provided for under Section 10 hereof, nor dining car wine permits as provided for under Section 18 hereof.

Amend Section 25 of H. B. 180 by adding at the end thereof the following:

except that this Section shall not apply to the issuance of dining car beer permits as provided for under Section 10 hereof, nor to the issuance of dining car wine permits as provided for under Section 18 hereof.

Amend Section 35, Subdivision B, H. B. 180 by adding immediately after the word "may" and before the word "acquire" the word "import" when the same appears in line 6, on page 40 of printed bill.

To amend Section 14 to read as follows:

Section 14. Liquor retailer's permits. For the retail sale of alcoholic spirituous beverages, as in this Act defined, a permit may be issued as herein provided. Any person, firm or corporation desiring to sell alcoholic spirituous beverages to patrons or customers, in sealed packages only, and not for consumption on the premises, shall make application to the Commissioner for a liquor retailer's permit, which application shall be writing and verified, on forms herein authorized to be prescribed and furnished; and the Commissioner, may, subject to the restrictions of this Act, issue such retailer's permit.

At the time of filing an application for a liquor retailer's permit the applicant therefor shall pay to the said Commissioner a permit fee of One Hundred Dollars.

Where any club makes application for a liquor retailer's permit, in addition to the license or permit fee required for such retailer's permit, it must pay a permit or license fee of fifty dollars for the right to dispense liquors to its members and their bona fide guests at retail for consumption on the premises; provided, however, that this additional permit shall not be issued unless the club has obtained permits to sell beer and wine. It being provided, however, that no holder of such permit shall sell or offer for sale any such package containing less than one half pint.

Any hotel desiring to sell alcoholic spirituous beverages to patrons or customers in its regular dining room for consumption

therein, shall make application to the Commissioner for a liquor retailer's permit, which application shall be in writing and verified, on forms herein authorized to be prescribed and furnished; and the Commissioner may, subject to the restrictions of this Act, issue such retailer's permit upon the payment of a license fee of 200.00 Dollars for any hotel of less than fifty (50) rooms and of 250.00 Dollars for any hotel of from fifty (50) to one hundred (100) rooms and of 300.00 Dollars for any hotel of from one hundred (100) to one hundred and fifty (150) rooms and of 350.00 Dollars for any hotel of over one hundred fifty rooms.

Amend Section 44 by striking therefrom the words "14th day of April" and substituting in lieu thereof the words "5th day of May."

Amend Section 5 of House Bill No. 180, as printed, on page 5 by inserting immediately after the words

outside the incorporated limits of any city or town in Alabama in line 25 the following:—

provided further, that in any county of seventy thousand population or less of the State of Alabama where any college, university or other institution of higher learning is maintained in whole or in part out of public funds permits for the retail sale of alcoholic beverages shall be issued on the basis of one such license to every thirty thousand population, and in no event shall any retail dealer have his place of business within one thousand yards of the property or properties of such college, university or institution of higher learning.

Amend H. B. 180 by adding to the Caption thereof the following:

and to provide that this Act shall not become operative until the voters of the State shall so declare in an election for that purpose herein provided.

Amend H. B. 180, as printed, Section 2 on page 1, by striking from lines 12 and 13, the following words: "malt, malt syrup, malt extract, liquid malt or wort."

Amend H. B. 180, as printed, by striking therefrom Subdivision (e) of Section 3 on page 2.

Amend H. B. 180 as printed by inserting the words "lager beer" the words "near beer" in line 10, sub-section (b) of Section 3 on page 2 of the Bill.

Amend H. B. 180 as printed by striking the following words in Section 8, lines 5; 6 and 7 on page 13 thereof "The holder of any authorized wholesaler's permit is granted permission to purchase from any authorized manufacturer within, or without this State, and possess, transport, sell or deliver any such alcoholic malt bev-

erages to any retailer.”; and substitute in lieu thereof the following:

The authorized holder of a wholesaler's permit is granted permission to purchase from persons without the State and authorized manufacturers and wholesalers within this State and possess, transport, sell or deliver such alcoholic malt beverages to any authorized wholesaler or retailer within this State and to persons without the State of Alabama.

Amend H. B. 180, as printed, Section 9, line 12 on page 13, by striking therefrom immediately after the words “malt beverages” the following words “to patrons or customers for consumption on licensed premises”, and add immediately following the period in line 16, the following:

Retail beer permits shall be of two classes, namely “Off sale permits” and “On sale permits.” The “Off sale permits” shall allow the sale of alcoholic malt beverages at retail for consumption off the premises only and the fee therefor shall be Ten (\$10.00) Dollars.

The “On sale permit” shall allow the holder thereof to sell alcoholic malt beverages to patrons and customers for consumption both on or off the licensed premises. The fee for the “On sale permit” shall be Fifty (\$50.00) Dollars. The application for either of the above permits shall be accompanied by the required fee.”

Amend Subdivision (3) of Section 23 of H. B. 180, as printed, by striking therefrom the following words:

Or a violation of the prohibition law.

Amend Section 23 of H. B. 180, as printed, by adding thereto Subdivision (4) to read as follows:

4. Every person making application for a wholesalers' or retailers' permit for the sale of alcoholic beverages, under the provisions of this Act, must at the time of making such application for such permit or permits be a resident of the State of Alabama and must have resided within the State of Alabama for at least three years prior to the passage of this Act.

Amend H. B. 180, as printed, Section 29 on page 27, by striking from lines 12, 20 and 21 the following words: “malt, malt syrup, malt extract, liquid malt or wort.”

Amend H. B. 180, as printed, by striking therefrom the words “malt articles” where they appear in line 26, Section 29, page 27; line 18, Section 30, page 28 and line 4, Section 33, page 32 of said bill.

Amend Subdivision (c) of Section 34 of H. B. 180, as printed, on page 34 by making the Caption of Subdivision (c) read as follows:

"(c) Alcoholic Vinuous Beverage Excise Tax (gallonage)."

Amend H. B. 180, as printed, Section 34, Subdivision (c) on page 34, by striking the words "license fee" from the bill in lines 5, 6, 13, 14, 15 and 26, and substituting therefor the words "excise tax."

Amend H. B. 180, as printed, Section 34, Subdivision (c) on page 34, by striking from line 9, immediately after the word "said" the words "license fee" and substituting therefor the words "excise tax."

Amend H. B. 180 as printed by striking from line 6, page 36, sub-section (c) of Section 34 the word "malt" where it appears before the word beverages in line 6 and substitute therefor the word "vinous."

Amend H. B. 180, as printed, line 24 of Subdivision (c) Section 34 on page 35, by striking the words "malt beverages," and substituting therefor the words "vinuous beverages".

Amend H. B. 180, as printed, Section 34 on page 37, by striking from lines 13 and 14 of Subdivision (e), the following words: "malt syrup extract or liquid malt or wort or".

Amend H. B. 180, as printed, Subdivision (f) of Section 34, by striking from the first paragraph of said subdivision the following words: "for General Fund Purposes" and substituting for the words thus stricken the following:

to be distributed, disbursed and apportioned in the manner hereinafter more specifically directed.

Amend H. B. 180 as printed by striking all of lines 6 to 20, inclusive, of sub-section (f) of Section 34 on page 39 of the Bill and substitute in lieu thereof the following:

(g) The payment of the alcoholic malt beverage excise tax imposed by sub-section (a) of Section 34 shall be evidenced, in case of containers other than bottles or cans, by the affixing of a stamp or stamps to such containers in which the alcoholic malt beverages are placed, received, stored, shipped, handled or sold and, in the case of bottles or cans, by the affixing of crowns or lids to such bottles or cans in which the alcoholic malt beverages are placed, received, stored, handled or sold.

(h) Except as may be otherwise provided herein, each manufacturer or bottler of alcoholic malt beverages in this State shall, within twenty-four (24) hours after the beverages are placed in an original container or bottles, and prior to delivery of any container of beverages to any wholesaler, jobber, retailer, distributor, or any other person whatsoever in this State, affix the proper stamp, crown, or lid to each container and wherever a stamp is used, cancel the stamp so affixed by writing or stamping across the face

thereof the name of such manufacturer or bottler and the date of such cancellation.

(i) Except as may be otherwise provided herein, and unless such stamps, crowns or lids have been previously affixed, such stamps, crowns or lids shall be affixed as herein provided by each wholesaler in this State within twenty-four (24) hours after such beverages come into the possession of such wholesaler and prior to the delivery of any container thereof to any retailer or other person in this State, and stamps wherever used, shall be cancelled by writing across the face thereof the name of such wholesaler and the date of such cancellation.

(j) Each retailer in this State immediately upon the receipt of any beverages at his place of business, and prior to disposing of the same in any way, shall affix such stamps, crowns or lids to each container thereof unless such stamps, crowns or lids shall have been previously affixed thereto, and wherever stamps are used, he shall cancel the same by writing or stamping across the face thereof the name of such retailer and the date of such cancellation.

(k) The State Tax Commission shall prescribe, prepare, furnish and sell the stamps provided for in this Section, in such denominations and quantities as may be necessary, for the payment of the tax imposed by this Act. The crowns and lids provided for in this Section shall be prescribed by the State Tax Commission and under rules and regulations prescribed by the State Tax Commission they shall be purchased by the manufacturer or other person, after the payment of the tax imposed by this Act, only from such persons, firms or corporations as may be designated as manufacturers of such crowns and lids by the State Tax Commission. The State Tax Commission is authorized to enter into contracts on behalf of the State with one or more manufacturers for the manufacture, sale and distribution of such crowns or lids, and shall require of such persons, firms and corporations so manufacturing, selling and distributing such crowns or lids a bond or bonds, with a company authorized to do business in this State as surety, payable to the State of Alabama, in such penalty and upon such conditions as in the opinion of the State Tax Commission will adequately protect the State. The crowns and lids shall be manufactured, sold and distributed at the cost of the tax payer. The cost of furnishing the stamps provided for herein shall be paid for out of the revenue which shall be received from the taxes imposed by Section 34 of this Act.

(l) At the time of delivering beverages to any person, each manufacturer and wholesaler in this State shall make a true dup-

licate invoice showing the date of delivery, the amount and value of each shipment of beverages delivered, and the name of the purchaser to whom the delivery is made, and shall retain the same for a period of two (2) years, subject to the use and inspection of the Alcoholic Beverages Commission, the State Tax Commission, and their agents or the agents of either of them.

(m) Persons operating boats, dining cars, buffet cars and club cars upon or in which beverages are sold shall not be required to evidence the payment of the tax herein provided for by affixing stamps, crowns or lids, as provided for in this Section, but instead shall keep such records of the sales of such beverages in this State as the State Tax Commission shall prescribe and shall submit monthly reports of such sales to the State Tax Commission upon a form prescribed therefor by said State Tax Commission and shall pay the tax levied under Section 34 of this Act at the time such reports are filed.

(n) It is the intent and purpose of this Section to require all manufacturers and other persons, except as herein provided, to affix the stamps, crowns or lids provided for in this Section to all original containers in which beverages are normally placed, prepared for market, received, sold or handled before such beverages are sold, offered for sale, or held for sale within this State.

(o) Any manufacturer or other person, except as herein provided, who shall sell beverages to wholesalers, retailers or consumers, without affixing to the containers the stamps, crowns or lids required by this Act, and any person, except as herein provided, who shall purchase, receive, transport, store or sell any beverages in containers to which the stamps, crowns or lids required by this Act are not affixed, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by being fined not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or by being confined in jail for a term not exceeding six months, or by both such fine and confinement in jail in the discretion of the jury or of the justices of the court trying the case without a jury. In addition, such person shall be liable for the taxes due under this Act with interest at the rate of twelve per cent per annum from the date such taxes were due and payable. The State Tax Commission shall have authority to assess said taxes and interest and to cause the same to be collected in the same manner provided for the collection of taxes generally.

(p) Manufacturers or other vendors of beverages from without this State shall affix the stamps, crowns or lids to original containers of beverages to be sold, offered for sale, held for sale, delivered, or transported for delivery in this State.

(q) The State Tax Commission shall promulgate rules and regulations to relieve manufacturers and bottlers of beverages from the liability to affix stamps, crowns or lids on such beverages as are intended to be shipped and are thereafter shipped out of this State by such manufacturers and bottlers or wholesalers for resale out of this State.

(r) The State Tax Commission is hereby charged with the enforcement of the provisions of this Section, and is hereby authorized and empowered to prescribe, adopt, promulgate, and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Section and the collection of taxes, penalties, and interest imposed by this Act.

(s) Whenever it is proven to the satisfaction of the State Tax Commission that any person has purchased and used stamps, crowns or lids upon beverages that have been sold by him in such manner as are exempt from the excise tax levied under Section 34, the State Tax Commission shall issue a certificate to said person whereby said person or his assignee is entitled to obtain without payment of the tax otherwise represented by said stamps, crowns and lids from the person, firm, or corporation, designated therein as one of the manufacturers of crowns or lids an amount of crowns or lids having the same aggregate tax value as the amount of tax represented by said crowns or lids so used upon the exempt beverages, and the State Tax Commission shall issue and deliver without further cost, to said person or his assignee an amount of stamps having the same aggregate tax value as the amount of stamps so used by him upon such exempt beverages.

(t) The proceeds of said alcoholic spirituous, vinous and malt beverages taxes after cost of collection has been deducted shall be covered into the General Fund, for the purposes of paying the appropriations for the Common Schools and for no other purposes; The proceeds of said taxes shall be apportioned to the Common Schools in the same manner as other funds are now apportioned to the said Common Schools.

Amend H. B. 180, as printed, Subdivision (f) of Section 34, line 10 on page 38 by inserting after the word "stamps" the words "tax crowns or lids."

Amend H. B. 180, as printed, Subdivision (f) of Section 34 on page 38, by striking therefrom the words "and/or malt, wort, malt syrup, malt extract and/or liquid malt" where they appear in lines 7 and 8.

Amend H. B. 180, as printed, Section 48 of subdivision (b) by

inserting in line 23 on page 46, immediately after the words "special elections", the following:

Such elections may be held to determine whether spirituous, vinuous and malt beverages may be sold in any county under the provisions of this Act and the ballots furnished the electors in any such election may be drawn in such manner as to authorize the qualified voters of any such county to determine whether they favor the taxation and legalization of spirituous liquors, or the taxation and legalization of vinuous beverages, or the taxation and legalization of malt beverages, or the taxation and legalization of spirituous, vinuous and malt beverages, or any combination of such beverages.

Amend Subdivision (c) of Section 48 of H. B. 180, as printed, by adding at the end thereof the following:

unless and until an election is held in accordance with Subdivision (b) of Section 48.

Amend H. B. 180, as printed, by striking therefrom in its entirety Section 50.

Amend H. B. 180 by adding thereto Section 52 as follows:

Section 52. Nothing in this act shall be so construed as to in any manner affect the handling, or sale of flavoring extracts or other food products which contain Alcohol and which are not intended for beverage purposes.

Mr. Kelly offered the following substitute for said bill and amendments to-wit:

A BILL

To be Entitled An Act To promote temperance and suppress the evils of intemperance; to discourage the violation of the state statutes forbidding the manufacture, sale, offering for sale of intoxicating liquors; to provide for an election in each of the counties of the state in which the qualified electors of each county shall, by a majority vote thereof, determine whether or not Alabama's present laws against the manufacture, sale, and distribution of prohibited liquors in each such county shall be modified therein; to provide for such elections from time to time in such counties to likewise determine said issue in such respective counties; and in counties authorizing the same by such election, to legalize, regulate, and control the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking, and use of alcohol, brandy, rum, whiskey, gin, wine, beer lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation, or otherwise;

to create a department of Alcoholic Beverage Control and an Alabama Alcoholic Beverage Control Board and to define and provide for the functions, duties, and powers thereof; to provide for the appointment, suspension, removal, compensation, costs, and expenses of such Board and its members, officers, agents, and employees; to provide for the manufacture, sale, and distribution of such alcoholic beverages by said Board; to provide for the sale and purchase at retail at state stores in such counties of alcoholic beverages of a higher alcoholic content than beer; to provide for the sale in such counties of beer at retail by such persons as shall be so authorized by the said Board; to authorize said Board to issue rules and regulations governing the manufacture, sale, and possession of such beverages in said counties; to make it a misdemeanor for any person to purchase any such beverages from any person or persons except those authorized by this act and by the Board under the provisions of this act; to make it a misdemeanor for any person to drink intoxicating liquors other than beer in a public place; to appropriate money for the administration of the act and to provide for the disposition of the net profits collected under the act; to provide for the confiscation and disposition of articles declared contraband hereunder; to impose penalties for violations of the act; to repeal all acts and parts of acts in conflict herewith, and to provide that this act shall constitute and be designated and cited as "The Alcoholic Beverage Control Act."

Be it enacted by the Legislature of Alabama:

Section 1. This act may be cited as "The Alcoholic Beverage Control Act".

Section 2. An election shall be held on the 9th day of June, 1936 in each of the counties of the State of Alabama for the purpose of determining the decision of the qualified electors of each of said counties on the question of whether or not Alabama's present laws against the manufacture, sale and distribution of prohibited liquors shall be modified in said respective counties as hereinafter provided.

Section 3. That in said election the votes cast shall be canvassed, tabulated, returns made and results declared in the same manner as in general elections for each of said counties. The officers to hold said election shall be the same and shall be appointed in the same manner and by the same officials, and shall be paid the same and in the same manner as is now provided by the election laws of the State for the appointment of officers to hold general elections in the State. The same officials shall be appointed and shall preside at said election in each county as shall be appointed for the holding of any other general election on the same

day as otherwise provided for by law, and such election shall be held as near as may be without any additional expense to the State or the counties. All qualified voters of the respective counties may vote at said election and none others. The election hereby ordered shall be held and conducted in all things in accordance with this act and with the laws of Alabama governing general elections.

Section 4. That notice of the election hereby ordered shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county of the State for at least three successive weeks next preceding the day hereby appointed for such election.

Section 5. That the ballots shall be prepared and printed in all respects as ballots are prepared and printed for general elections in the counties of the State and shall be paid for in like manner as ballots for such general elections are now paid; and on the official ballot prepared for such election in the counties there shall be printed the following words and question:

Shall this county adopt the alcoholic beverage control method for the legal sale of spirituous vinuous and malt beverages?

Yes_____.

No_____.

The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 6. After the canvassing of the returns of said election in each county the results thereof shall be certified to the Secretary of State in the same manner as the result of an election for the adoption of a constitutional amendment, and the result of said election in each county shall be made known by proclamation in the same manner as the result of an election for the adoption of a constitutional amendment.

Section 7. Should a majority of the electors in one or more counties vote in the affirmative in said election, the sale, manufacture and distribution of spirituous, vinous and malt beverages shall become legal in such county or counties in accordance with the other terms of this act, and the hereinafter set out provisions of this act shall become applicable to such counties, and the other provisions of this act shall be put into force and effect by the Alcoholic Beverage Control Board as hereinafter created, and this act may be cited as "The Alcoholic Beverage Control Act".

Section 8. (a) There is hereby created as a department of the State of Alabama the Department of Alcoholic Beverage Control. The said department shall consist of the Alabama Alcoholic

Beverage Control Board and the officers, agents and employees of said Board, including the County Alcoholic Beverage Control Managers as hereinafter provided.

(b) The Board shall consist of three members appointed by the Governor and confirmed by the Senate after one or more counties have voted affirmatively in such election. One of the members of the Board shall be appointed for a term of two years, one for a term of four years and one for a term of six years; subsequent appointments shall be for a term of four years each except appointments to fill vacancies which shall be for the unexpired terms. The Governor shall designate one of the members of the Board chairman thereof. The Board, under rules adopted by itself, may elect one of its members chairman protempore and another as secretary. Two members of the Board shall constitute a quorum.

(c) Each member of the Board shall receive a salary to be fixed by the Governor and not to exceed the sum of five thousand (\$5,000.00) dollars per annum.

(d) Members of the Board may be suspended or removed by the Governor at his pleasure.

(e) Each member of the Board shall, before entering upon the discharge of his duties, give bond payable to the State of Alabama, in form approved by the Attorney General, in such penalty as shall be fixed from time to time by the Governor, with some surety or guaranty company duly authorized to do business in Alabama and approved by the Governor as security, conditioned upon the faithful discharge of his duties; the premium of such bond shall be paid by the State, and the bonds shall be filed as bonds of other State officers.

(f) Each member of the Board shall devote his full time to the performance of his official duties.

(g) No member, officer, agent or employee of the Board shall, directly or indirectly, individually, or as a member of a partnership or an association, or as a member or stockholder of a corporation, have any interest whatsoever in the manufacture of or in dealing in alcoholic beverages, or in any enterprise or industry in which alcoholic beverages are required, or receive any commission or profit whatsoever from or have any interest whatsoever in the purchase or sale of alcoholic beverages by the Board or by any other person whatsoever, or have any interest in or mortgage or deed of trust on any land or building where alcoholic beverages are manufactured for sale, kept for sale, offered for sale or sold, or any personal property used therein, or in any contract with reference thereto other than his contract of employment, made with the Board.

The provisions of this subsection shall not prevent any officer,

member, agent or employee of the Board from purchasing and keeping in his possession, for the personal use of himself, members of his family or guests, alcoholic beverages which may be purchased or kept by any person by virtue of this act.

(h) The main office of the Board shall be located in the City of Montgomery.

Section 9. The functions, duties and powers of the Board shall be as follows:

(a) To buy, import, manufacture and sell alcoholic beverages and to have alcoholic beverages in its possession for sale;

(b) To control the possession, sale, transportation and delivery of alcoholic beverages by the Board;

(c) To determine the localities within which said stores shall be established and operated and the location of such stores. No store shall be established in, and neither the Board nor any other person may legally buy, manufacture or sell alcoholic beverages in any county which has voted in the negative in the election hereinbefore referred to for determining the said issue, unless and until said county has at a subsequent similar election voted in the affirmative. A county voting in the affirmative in said election is hereinafter for convenience designated a wet county, and a county voting in the negative in such election is hereafter designated a dry county. The Board shall have the power to establish and maintain a State store for the sale of spirituous and vinous beverages in each such wet county, but such store shall be established only in municipalities having a population of five thousand or more according to the last or any subsequent Federal census; but in counties not having a city of such population the Board shall establish said State store at the county seat of said wet county. In wet counties having a population of more than 95,000 in the last or any subsequent Federal census the Board may establish more than one State store for the sale of spirituous and vinous liquors, the number and location of the same to be determined by the Board. The Board shall place the said stores in each county under the immediate control of three County Alcoholic Beverage Managers. One of the three managers shall be designated by the Board as chairman, and in counties having only one such store he shall have the active charge and management of said store under the immediate supervision of the three County Alcoholic Board Control managers. In the wet counties having a population of more than ninety five thousand and having more than one store, said managers shall have the immediate supervision and control of said stores and the employees of said Board. In wet counties having only one such store the chairman of the county managers shall be paid a salary not exceeding one hundred fifty (\$150.00) dollars a month to be

determined by the Board, and the other managers in such county shall be paid not over \$25.00 a month for their services, as determined by the Board. In wet counties having more than 95,000 population and having more than one such store, the manager shall be paid a salary of not over \$200.00 a month, and the other two county managers shall be paid a salary of not in excess of \$50.00 a month. The chairmen of the county managers shall be required to devote their entire time to their duties as such chairmen. No such State store shall sell at retail beer or other malt beverages, but may be used by the Board for the distribution of such beverages wholesale to legalize dealers of such beer and malt beverages. Such State stores shall sell no other commodities.

(d) To make provision for the maintenance of warehouses for alcoholic beverages and to control the delivery of alcoholic beverages to and from such warehouses and the keeping of the same therein.

(e) To lease, occupy and improve any land or building required for the purposes of this act.

(f) With the consent of the Governor to purchase or otherwise acquire title to any land or buildings required for the purposes of this act, and to sell and convey the same by proper deed.

(g) To purchase, lease or acquire the use by any manner whatsoever of any plant or equipment which may be considered necessary or useful in carrying into effect the purposes of this act, including manufacturing, rectifying, blending and processing plants; the Board is hereby empowered to purchase, build lease, and operate distilleries and to manufacture alcoholic beverages if in its opinion the purposes of this act can be thereby promoted; and may enter into contracts or stipulations with the State Board of Administration for the use of convict labor and farm and other products grown or manufactured by convict labor, to be used in such distilleries and otherwise in connection with the business of said Board; and the Board may likewise enter into contracts and stipulations with the State Docks Commission and the State Highway Commission for the use of any buildings or warehouses that they may own or control for the manufacture, storage or transportation of alcoholic beverages.

(h) To determine the nature, form and capacity of all packages to be used for containing alcoholic beverages to be kept or sold under this act, and to prescribe the form and contents of all labels and seals to be placed thereon. Spirituous liquors shall not be sold in packages of less than one half pint, and wines in quarts or fifths. No liquors or wines dispensed by such state stores shall be drunk on the premises, and the drinking of the same on said

premises shall constitute a misdemeanor. All spirituous liquors, wines and beers sold or distributed by the Board shall be stamped or endorsed in such characteristic way or manner to be determined by the Board as shall clearly indicate that it has been dispensed by the Board, and all such beverages not containing such label shall be contraband and subject to forfeiture as other contraband liquors. The containers of all spirituous liquors dispensed by the Board shall have stamped or endorsed thereon or blown therein when the same was made, what it is made out of and the proof thereof, and also shall have stamped thereon a red skull and bones like that used on poisonous drugs. The price of all spirituous and vinous liquors dispensed by the Board shall be fixed by the Board and the same shall be printed or otherwise endorsed on each bottle. Location of liquor stores shall not be adjacent to schools, churches or theatres, nor in neighborhoods which are exclusively residential; nor located adjacent to any hotel, rooming or boarding house, restaurant, cafe, or other public eating place, or any club or place where gatherings of a social nature take place. Neither the Board nor any State store operated by it shall in any manner advertise its wares for sale and Article 5 of Chapter 167, Code of 1923 is hereby repealed but no advertisement shall be permitted of the place of sale of any spirituous, vinous or malt beverages.

(i) To appoint every officer, agent and employee required for the operation of the business of said Board dismiss them, fix their salaries or remunerations, assign them their official positions and titles, define their respective duties and powers, require them or any of them to give bonds payable to the State in such penalty as shall be fixed by the Board, and engage the services of experts and of persons engaged in the practice of a profession. All salaries or remunerations in excess of \$1,000.00 per annum shall first be approved by the Governor. Officers and agents of the Board and managers of the State stores are authorized and empowered, upon displaying an official badge or reasonable evidence of authority, to arrest persons for any disorderly conduct in or about any State stores or property of the Board or for violations of the provisions of this act.

Section 10: (a) The Board may from time to time make such regulations not inconsistent with this act as it shall deem necessary for carrying out the provisions of this act, and from time to time alter, repeal or amend such regulations or any of them.

(b) Nothing in this act contained shall require such regulations to be uniform in their application.

(c) Prima facie evidence of any such regulation may be giv-

en in all courts and proceedings by the production of what purports to be an official printed copy of such regulation, alteration, repeal or amendment.

Section 11. (a) The Board shall from time to time make reports to the Governor covering such matters in connection with the administration and enforcement of this act as he may require, and shall annually make to the Governor a report for the twelve months ending on the 30th day of September in the year in which the report is made.

(b) The books and records of the Board shall at all times be subject to examination and audit by the State board of examiners or control, or by such other persons as the Governor may authorize; and the cost of such examinations and audits shall be a charge against the Board.

Section 12. The Board shall keep a complete and accurate record of all its actions and shall devise and install a system of accounts under the direction of the State Comptroller.

Section 13. (a) The Board may establish, maintain and operate in said wet counties, State stores for the sale of alcoholic beverages other than beer, in accordance with the provisions of this act, and, in wet counties of more than 95,000 population may discontinue any such store or stores when in its discretion it is advisable to do so, provided that at least one such store shall be maintained and operated by the Board in each wet county.

(b) The Board shall from time to time fix the prices at which the various classes, varieties and brands of alcoholic beverages shall be sold in such stores, and the wholesale and retail prices shall be uniform throughout the State, except that the difference in cost of operating stores may be reflected in the sale price of alcoholic beverages at such stores.

(c) The sale of alcoholic beverages at each State store shall be conducted by the chairman of the county managers and by such other officers, agents and employees as may be appointed by the Board or under its supervision, and all shall be responsible to the Board for carrying out all the provisions of this act and the regulations of the Board in so far as they relate to the conduct of such store and the sale of alcoholic beverages thereat.

(d) If more than two persons are employed by the Board at any one store it shall only be after approval in writing by the Governor.

(e) No alcoholic beverages shall be sold in a State store except in a closed package, sealed and containing such label as the Board shall prescribe.

(f) No alcoholic beverage shall be consumed in a State store by any person.

(g) Not more than two quarts of alcohol or spirits shall be sold to any one person at any one time or on any one day in any State governed store. No liquor shall be sold, given nor served to persons under the age of 21 years nor to any intoxicated person or habitual drunkard.

Section 14. It shall be a misdemeanor for any person to drink intoxicating liquors other than beer in a public place. No deliveries shall be made by any State store or its employees or agents to any point outside of the store.

Section 15. No sale or delivery of alcoholic beverages shall be made at any State store, nor shall any State store be kept open:

(a) On Sunday.

(b) In any county, city or town on any day in which an election is held therein.

(c) During such other periods and on such other days as the Board may direct.

(d) Before 8:00 A. M. nor after 6:00 P. M.

Section 16. All receipts for the preceding calendar month by each State store shall be remitted to the Board not later than the 10th of the subsequent month, and the Board shall transmit its net profits to the Treasurer quarterly. The net profits derived under the provisions of this act shall be paid out and applied quarterly as follows: Sixty per cent shall be covered into the general treasury of the State; twenty per cent shall be paid into the general fund of the county from which the particular fund was derived; and twenty per cent to the City in which the particular State store was located which made said net profit.

Section 17. No beer or other malt liquors shall be distributed wholesale in the State of Alabama except through the Alcoholic Beverage Control Board. The Board shall not distribute any beer by retail and shall not sell or distribute beer to any retailer until the retailer has first paid to the Board the sum of \$10.00 as a fee to cover the expense of inspecting such business, and this sum shall be paid annually by such retailer. Any wet county or any city or any municipality in any wet county may fix a privilege or license tax for the sale of beer or other malt liquors within its jurisdiction. No wet county or municipality therein may put a license or privilege tax on any State store distributing alcoholic beverages therein. It shall be unlawful for any person to sell beer or other malt liquors without having paid to the Board said annual inspection fee, and a person paying such inspection fee shall receive a certificate evidencing the payment thereof. If such person sells intoxicating and vinous liquors at his place of business or at any place in the State, he thereupon forfeits his certificate, and the Board is hereby forbidden to sell or deliver to him any other

or further beer, and he is forbidden to sell or dispense beer or other malt beverages not purchased from the Board. It shall be unlawful for any person to have in his possession any spirituous or vinous liquors in a place selling beer or malt liquors. A violation by a dispenser of beer or other malt liquors of any provision of this act against the selling or having in possession spirituous or vinous liquors on such premises shall constitute a misdemeanor and shall bar the proprietor of said premises from thereafter selling beer or other malt liquors.

Section 18. The Board may authorize under the rules, regulations and restrictions provided by it the manufacture in Alabama in any wet county of spirituous, vinous or malt liquors, but the entire products of such manufacturing establishments that are sold or disposed of in the State of Alabama shall be to and through the State Alcoholic Beverage Control Board.

Section 19. The Board may refuse to sell beer or other malt liquors to any retailer that it may in its judgment determine not to be a suitable person to sell such beverages, and may specify in the certificate issued the place to be occupied by the applicant and may approve or disapprove of such place and may withdraw its certificate at any time with or without cause. A separate certificate must be issued each separate place of business for dispensing beer or malt liquor, and no certificate shall be transferred from one person to another. Each such certificate shall be kept posted in a conspicuous place at the place where the business is carried on. The places of business of the holders of such certificates for the sale of beer and malt liquors shall be open to inspection at all times by any peace officer of the State without a warrant, and the person applying for such certificate must agree in writing to accept the terms and conditions of this act.

Section 20. After the expiration of one year from the date of the election provided for in Section 2 above, thirty per cent of the qualified electors of any county may file with the Judge of Probate of the county a petition for the holding of an election as provided in Section 2, 3, 4, 5, 6 and 7. The Judge of Probate shall canvas said petition and shall certify thereon whether the same in fact contains thirty per cent or more of the qualified electors of the county, and if so, at the next succeeding general election the electors of said county shall vote as provided in said sections 2 to 7, and the result of said election shall be certified as therein provided. If such county votes in the affirmative or wet the provisions of this act shall apply to said county and liquors shall be dispensed therein as provided by this act. If said county votes in the negative or dry the provisions of this act for the dispensing of spirituous,

vinous or malt liquors shall not apply. Not more than one such election shall be held in any one county in any calendar year.

Section 21. All laws of the State of Alabama prohibiting the sale, manufacture or possession of intoxicating liquors shall remain in full force and effect in all dry counties in the State of Alabama, except that the Alabama Alcoholic Beverage Control Board may provide by reasonable regulations for the transportation of such liquors through such dry counties to wet counties for distribution as provided by law.

Section 22. It shall be legal to possess in wet counties spirituous, vinous or malt liquors dispensed by the Alabama Alcoholic Beverage Control Board. It shall be unlawful as otherwise provided by the statutes of Alabama for any person to buy, import, manufacture, sell or possess alcoholic beverages not manufactured, dispensed or possessed as provided by this act and other statutes of the State of Alabama. Any person or persons lawfully buying alcoholic beverages from a State store or from a person holding a certificate of the Board for the sale of beer and other malt liquors, where such beverages bear the endorsements provided by this act, may lawfully possess and transport such alcoholic beverages, provided that such person shall not have in his possession at any one time more than two quarts of spirituous liquors.

Section 23. The violation of any of the terms or provisions of this act, unless otherwise made a felony, shall be a misdemeanor, and the person violating the same shall, be guilty of a misdemeanor and punished as provided by law for the commission of a misdemeanor.

Section 24. If the use of crowns or stamps or of crowns and stamps shall be required by the Board under the authority of this act, it shall be a misdemeanor for any person to distribute, deal in or use any crowns or stamps except in accordance with the rules and regulations prescribed by the Board or by the State Tax Commission. The forging or counterfeiting of any such stamps or crowns, or any labels or endorsements otherwise provided by this act, shall constitute a felony punishable by confinement in the penitentiary for not less than one nor more than ten years.

Section 25. If any person shall for any person whatsoever mixes or permits or causes to be mixed with any alcoholic beverage kept for sale, sold or supplied by him as a beverage, any drug or any form of methyl alcohol or any crude, unrectified or impure form of ethyl alcohol, or any deleterious substance or liquid, he shall be guilty of a misdemeanor.

Section 26. If any person shall in this State buy alcoholic beverages from any person other than the Board and State store or

some person authorized under the provisions of this act to sell the same, he shall be guilty of a misdemeanor.

Section 27. If any member, officer, agent or employee of the Board shall be directly or indirectly interested or engaged in any other business or undertaking dealing with alcoholic beverages, whether as owner, part owner, partner, member of a syndicate, share holder, agent or employee, or whether for his own benefit or in any fiduciary capacity for some other person, or if any member, officer, agent or employee of the Board shall solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from any person or corporation having sold, selling or offering alcoholic beverages for sale to the Board in pursuance of this act, or if any officer or employee of the State of Alabama shall solicit or receive any commission, remuneration or gift from any such person or corporation in connection with the sale or offering for sale of alcoholic beverages to the Board, or if any person selling or offering for sale to or purchasing alcoholic beverages from the Board shall either directly or indirectly offer to pay any commission, profit or remuneration or make any gift to any officer, agent or employee of the Board, or to any one on behalf of any such member, officer, agent or employee, he shall be guilty of a felony, and upon conviction shall be confined in the penitentiary for not less than one nor more than ten years.

Section 28. For the purpose of paying the salaries and remuneration of the members, officers, agents and employees of the Board and all costs and expenses incurred by the Board in establishing, maintaining and stocking State stores and in the administration of the provisions of this act, there is hereby appropriated from funds in the State Treasury not otherwise appropriated the sum of \$250,000.00 or so much thereof as shall be necessary.

Section 29. If any part or parts, section, subsection, sentence, clause or phrase of this act is for any reason declared unconstitutional such decision shall not affect the validity of the remaining portions of this act, which shall remain in full force as if said act had been passed with the unconstitutional part or parts, section, subsection, sentence, clause or phrase there of eliminated; and the Legislature hereby declares that it would have passed this act if such unconstitutional part or parts, section, subsection, sentence, clause or phrase had not been included therein.

Section 30. All acts or parts of acts, general and special, private and local, including charter provisions and ordinances of cities and towns, inconsistent with any of the provisions of this act are hereby repealed to the extent of such inconsistency. The prohibition laws of the State of Alabama otherwise than as herein modified are hereby declared to be in full force and effect.

Section 31. Definitions. The following terms wherever used or referred to in this act shall have the following meaning unless a different meaning clearly appears from the context:

(a) Alcohol shall mean the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor rectified either once or oftener, whatever may be the origin thereof and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with the formulas provided by the Government of the United States. The word "alcohol" when used in the phrase "more than 5 per cent of alcohol by weight" shall mean all alcohol whether obtained by distillation, fermentation or otherwise.

(b) "Alcoholic beverages" shall include the four varieties of liquor defined herein as alcohol, spirits, wine and beer, and any one or more of such varieties, and if liquid or solid, patented or not, containing alcohol, spirits, wine or beer, capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties above defined shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which there set forth in this subsection; provided that "beer" as hereinafter defined containing more than 5 per cent of alcohol shall not be considered as alcoholic, spirits or wine and shall not be legalized in any manner by this act.

(c) "Beer" shall mean any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops, or of any similar products in drinking water containing, unless otherwise expressly provided more than one half of one per cent and less than 5 per cent of alcohol by weight; this definition shall include ale, porter and stout containing alcohol of said content, but the sale or manufacture of ale, porter and stout containing a higher percentage of alcohol than 5 per cent is not authorized by this act.

(d) "Board" shall mean The Alcoholic Beverage Control Board.

(e) "State store" shall mean a store established by the Board under this act for the sale of alcoholic beverages other than beer.

(f) "Wine" shall mean any beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar, including honey or milk with or without additional sugar, and containing more than 5 per cent of alcohol by weight.

Section 32. This act shall be effective on and after the date of its approval by the Governor.

Mr. Walton offered the following amendment to said substitute to-wit:

Amend Kelly substitute for House Bill No. 180 by adding at the end thereof the following words: "It is hereby expressly provided that sections 4666-4667-4668-4669-4670 of the Code of Alabama 1923 are not repealed and the same are not modified in any way by any of the provisions of this Act, and said sections shall remain in full force and effect.

Mr. Rogers of Mobile moved to table the amendment and the amendment was tabled.

Yeas, 19; Nays, 14.

Yeas:

Messrs.:

Carlton	Kelly	Russell	Tucker
Dorsey	Locke	Simpson	Walden
Fletcher	Mooneyham	Starnes	Weaver
Frazer	McDowell	Stoddard	Wellborn
Glover	Rogers (Mobile)	Swift	

Nays:

Messrs.:

Bonner	Kuykendall	St. John	Thomas
Browder	Mixon	Stephens	Walton
Chesnut	Parrish	Taylor	Woodall
Cook	Riddle		

—14

Mr. Walton then offered the following amendment to said substitute to-wit:

Amend Kelly substitute for House Bill No. 180 by adding at the end thereof the following words: "The bottle or other container of any alcoholic beverages sold under the authority of this Act shall be labeled so as to show plainly the exact alcoholic content of such beverages.

Which amendment was lost.

Yeas, 12; Nays, 21.

Yeas:

Messrs.:

Bonner	Cook	Parrish	Stephens
Browder	Kuykendall	Riddle	Taylor
Chesnut	Mixon	St. John	Walton

—12

Nays:

Messrs.:

Carlton	Kelly	Russell	Tucker
Dorsey	Locke	Simpson	Walden
Fletcher	Mooneyham	Starnes	Weaver
Frazer	McDowell	Stoddard	Wellborn
Glover	Rogers (Mobile)	Swift	Woodall
Goldsmith			

—21

Mr. Walton then offered the following amendment to said substitute to-wit:

Amend Kelly substitute for H. B. 180 by striking therefrom Section 15 thereof and substituting for said stricken Section 15 to read as follows:

Section 15. "The proceeds of said tax including all license fees and all excise taxes or fees collected under this Act, after the cost of collection of same has been deducted shall be paid into the State Treasury but kept in a separate and distinct fund and shall be used solely for the benefit of the Convict Department of the State and for relief purposes and no part whatever of said funds shall ever be used directly or indirectly for the benefit of any school or college in Alabama."

And on motion of Mr. Dorsey said amendment was tabled.

Yeas, 22; Nays, 10.

Yeas:

Messrs.:

Browder	Goldsmith	Russell	Tucker
Carlton	Kelly	Simpson	Walden
Dorsey	Locke	Starnes	Weaver
Fletcher	Mooneyham	Stephens	Wellborn
Frazer	McDowell	Swift	Woodall
Glover	Rogers (Mobile)		

—22

Nays:

Messrs.:

Bonner	Kuykendall	St. John	Taylor
Chesnut	Mixon	Stoddard	Walton
Cook	Riddle		

—10

And the substitute offered by Mr. Kelly was then adopted.

Yeas, 23; Nays, 10.

Yeas:

Messrs.:

Browder	Goldsmith	Rogers (Mobile)	Tucker
Carlton	Kelly	Russell	Walden
Dorsey	Locke	St. John	Weaver
Fletcher	Mooneyham	Starnes	Wellborn
Frazer	McDowell	Swift	Woodall
Glover	Riddle	Thomas	

—23

Nays:

Messrs.:

Bonner	Kuykendall	Simpson	Taylor
Chesnut	Mixon	Stoddard	Walton
Cook	Parrish		

—10

And said bill, as thus amended, was read a third time at length and lost by failure to receive the required Constitutional majority.

Yeas, 20 ; Nays, 12.

Yeas:

Messrs.:

Browder	Glover	Russell	Thomas
Carlton	Kelly	Simpson	Tucker
Dorsey	Locke	Starnes	Walden
Fletcher	Mooneyham	Stoddard	Weaver
Frazer	McDowell	Swift	Wellborn

—20

Nays:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Chesnut	Mixon	Rogers (Mobile)	Walton
Cook	Parrish	St. John	Woodall

—12

Mr. Rogers of Mobile then moved to re-consider the vote by which said bill, House 180, was lost, and said vote was re-considered.

Yeas, 21 ; Nays, 12.

Yeas:

Messrs.:

Browder	Kelly	Russell	Thomas
Carlton	Locke	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walden
Fletcher	McDowell	Stoddard	Weaver
Frazer	Rogers (Mobile)	Swift	Wellborn
Glover			

—21

Nays:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Chesnut	Mixon	St. John	Walton
Cook	Parrish	Stephens	Woodall

—12

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House bill:

By Mr. Taylor:

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

And requests a Committee of Conference. The Speaker of the

House has appointed as conferees on the part of the House Messrs. Taylor, Harrison and Denson.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Walton, the Senate acceded to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 136, the title of which is set out in the foregoing Message from the House, and the President of the Senate appointed as conferees on the part of the Senate Messrs. Simpson, Walton and Tucker.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate.

By Mr. Cook:

H. 312. To authorize and require the tax levied and collected under Article IX, Chapter 3 of Act No. 194 entitled "To provide for the general revenue of the State of Alabama, approved July 10, 1935" to be when collected paid into the Educational Trust Fund to be used exclusively for the payment of the salaries of the teachers of the State, and to provide penalty for violations of this Act.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read one time and referred to appropriate standing committee as follows:

H. 312, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 135. To amend an Act of the Legislature of Alabama approved August 4, 1931 entitled, "An Act to provide for the government and control by civil service regulations of the police department

ment and fire department in cities of the State of Alabama operating under the commission form of government and which now have or which may hereafter have a population of as much as twenty four thousand and less than fifty thousand people, according to the latest or any succeeding Federal Census; to provide for a civil service board in such cities and fix their duties, authorities, powers, and compensation" so as to require all members of the police department in said cities to enter into bond conditioned for the faithful and proper performance of their duties as policemen before entering upon their duties, and to provide further that their appointment shall be revoked by the civil service board upon their failure to enter into such bond within ten days after said appointment.

Also:

H. 159. To provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: the members of the Board of Revenue shall each receive four dollars (\$4.00) per day instead of three dollars (\$3.00) per day for services rendered, to be paid from the general fund of the County.

Also:

H. 170. To amend section 8 of an act entitled, "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways, to provide for the registration and licensing of drivers or operators of motor vehicles and to fix the fees therefor. To authorize the State Highway Commission, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of driver's licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed," approved Setember 2, 1935.

Also:

H. 271. To amend an act entitled, "An Act to Regulate Further the Financing of Public Improvements, to Permit the Reduction or Abatement of Assessments Therefor in Certain Cases, to Provide for the Refunding of Bonds Issued Therefor and to Validate Proceedings Heretofore Taken Relating Thereto in Cities Having a Population of as Many as Fifty Thousand and Less Than One Hundred Thousand People According to the Last Fed-

eral Census or any Such Census which may Hereafter be Taken," approved September 2, 1935, so as to make the provisions of said Act apply to cities having a population of twenty thousand and less than one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

Also:

H. 373. To amend Part 7 of Sub-division VII of Section 1 and Sub-division XVI of Section 1, and Part 12 of Sub-division X of Section 1, and Part 4 of Sub-division VIII of Section 1, of an Act entitled "An Act to make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for the interest on the public debt, and for the public schools", approved September 6, 1935.

Also:

H. 411. To relieve all persons in Shelby County, Alabama, and in any Municipality thereof, of and from any and all legal obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Shelby County, Alabama, or in any Municipality thereof, and to prohibit the levying and collecting of a per capita road or street tax in Shelby County, Alabama, or in any Municipality thereof.

Also:

H. 415. To amend an Act entitled an Act "To regulate and control the purchase of goods and supplies for Madison County by the Board of County Commissioners, or other like governing body of Madison County," passed by the Legislature at its 1936 special session.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House bills:

By Mr. Owen (Etowah):

H. 204. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, page 950)

Also:

By Mr. Owen (Etowah):

H. 8. To amend Section 161-A of an Act "To Provide for the General Revenue of the State of Alabama" approved July 10, 1935.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 63. To revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act.

E. F. Taylor,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Riddle:

S. 66. To authorize cities, towns and counties of Alabama, of 6,000 population and over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to Authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Kelly:

S. 35. To declare and fix the priority of the claims of local registrars of vital statistics in the several counties in the State.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following Constitutional amendment:

By Mr. Owen (Etowah):

H. 308. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama whereby the following school districts: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterboro and Laniers, Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting at such election; provided further that the said district tax shall not be voted or collected in said districts unless and until the County in which said School District is located is levying and collecting not less than a 3-Mill County-wide Special School tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final

adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the following school districts as defined in Section 2 of Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterboro and Laniers, Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle, as now or hereafter constituted in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District Tax shall not be voted or collected in said Districts unless and until the County in which said School district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterboro and Laniers Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self executing and no Act of the Legislature shall be required to put same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the

qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following, viz., "Shall the following be adopted as an Amendment to the Constitution of Alabama: The following School Districts as defined in Section 2, Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterboro and Laniers Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle as now or hereafter constituted in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed.

Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterboro and Laniers Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School District; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes.

This Amendment shall be self-executing and no Act of the Legislature shall be required to put the same in force.

_____Yes

_____No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State

of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Constitutional Amendment:

S. 74. A Bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified

electors of this State for their consideration at the General election to be held on the third day of November 1936, to-wit: "The Courts, in all counties of Alabama having original jurisdiction of Criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation and may hereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society."

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by proclamation, of the fact that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration; and such proclamation shall also set out the proposed amendment. The said proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for said election.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment and on the official ballots printed for such election, there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of the State of Alabama?" "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society." Following the proposed amendment on the ballot shall be printed the word "yes" and immediately under that shall be printed the word "no." The choice of the elector shall be indicated by a cross mark made by him, or under his direction opposite the word expressing his desire.

Section 4. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such a part of the Constitution.

Section 5. That the result of such election be made known by proclamation of the Governor.

Section 6. That the expenses and the cost of the publication of the notices, shall be paid out of the State Treasury.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Mr. Reid:

H. 294. A bill to be entitled An Act to propose an amendment to the Constitution of the State of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one half per centum of the value of such property, as assigned, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipality, at an election or elections to be held by it from time to time for such purpose, and to order an election of the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for state and county officers in November 1936.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama of 1901 is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the general election to be held in 1936.

The proposed amendment is as follows:

The Town of Montevallo, Alabama, shall have the power and right to levy and collect a tax of one half of one per centum in any one year on property situated therein based on the valuation of such property as assessed for State taxation for the tax year ending on the 30th day of September next succeeding the levy; provided, that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest there-

on, an additional tax of one half of one per centum may be levied and collected by said municipality, provided, further, that a majority of the qualified electors of said municipality voting at an election called for that purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose, or purposes for which it is levied and collected; provided, however, that the total tax to be levied shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year. Provided, further, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon it, under the Constitution or any amendment thereto. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words: "For_____excess rate of taxation for the year (or years)_____;" and "Against_____excess rate of taxation for the year (or years)_____". The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor, and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the excess rate shown by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors of said municipality to levy a special tax for a specified purpose, and such proposition is defeated, no second election for the same purpose shall be held in one year thereafter.

Section 2. It shall be the duty of the governor to give notice by proclamation, to be published in one newspaper in each county in the State, at least eight consecutive weeks next preceding the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the

following, viz: Shall the following be adopted as an amendment to the Constitution of Alabama: The Town of Montevallo, Alabama, shall have the power and the right to levy and collect a tax of one half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax on one half of one per centum may be levied and collected by said municipality; provided further, that a majority of the qualified voters of said municipal corporation voting at an election called for the purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which the same was levied and collected; provided, however, that the total tax to be levied by any municipal corporation shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporation for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words: "For_____ excess rate of taxation for the year (or years)_____;" and "Against_____ excess rate of taxation for the year (or years)_____." "The rate of taxation proposed in excess of the rate of one per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different excess rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown, by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy a special tax for a specified purpose, and such proposition is defeated no second election for the same purpose shall be held in one year thereafter. This amendment shall be self-executing and no Act of the legisla-

ture shall be required to put the same, or any part thereof, in force.

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Section 6. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the state treasury in the same manner as the expenses of the general elections are paid.

Section 7. Provided the right herein granted to levy additional taxes when the proposed amendment to the Constitution of the State of Alabama of 1091, is ratified at the next general election for state and county officers in November 1936, shall not be exercised unless and until same is ratified by a majority vote of the voters of the Town of Montevallo at a special election to be held when called by the Mayor and Council of the Town of Montevallo.

E. F. Taylor,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twenty-fourth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the twenty-fourth Legislative day approved by the Senate.

ADJOURNMENT

At 4:05 P. M., on motion of Mr. Rogers of Mobile the Senate adjourned to meet again tomorrow morning, Friday, April 17th, 1936, at 10 o'clock A. M.

Yeas, 20; Nays, 12.

Yeas:

Messrs.:

Carlton	Kelly	Russell	Swift
Dorsey	Locke	Simpson	Tucker
Fletcher	Mooneyham	Starnes	Walden
Frazer	McDowell	Stephens	Weaver
Glover	Rogers (Mobile)	Stoddard	Wellborn

—20

Nays:

Messrs.:

Bonner	Cook	Parrish	Taylor
Browder	Kuykendall	Riddle	Walton
Chesnut	Mixon	St. John	Woodall

—12

TWENTY-FIFTH DAY

Friday, April 17th, 1936.

The Senate met pursuant to adjournment, Lieutenant-Governor Knight presiding.

PRAYER

The session was opened with prayer by Dr. H. G. Earnest, Doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Cook
Dorsey
Fletcher
Frazer
Glover

Kelly
Kuykendall
Locke
Mixon
Mooneyham
McDowell
Parrish
Riddle

Rogers (Mobile)
Russell
St. John
Simpson
Starnes
Stephens
Stoddard
Swift

Taylor
Thomas
Tucker
Walden
Walton
Weaver
Wellborn
Woodall

—33

JOURNAL

On motion of Mr. Rogers (Mobile), the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

UNFINISHED BUSINESS

The Senate proceeded to consider the unfinished business of yesterday's session, which was the bill:

H. 180. To legalize and regulate the manufacture, sale and possession of alcohol, and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his term of office, compensation, and powers, and provide for his appointment; to provide and levy a license upon the sale of alcohol and alcoholic and malt beverages, and to levy an excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act.

As amended by the substitute of Mr. Kelly.

Mr. Kelly moved that the vote by which said bill was ordered

to an engrossment and third reading be re-considered, which motion prevailed and said vote was re-considered.

Yeas, 23; Nays, 10.

Yeas:

Messrs.:

Browder	Kelly	St. John	Thomas
Carlton	Locke	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walden
Fletcher	McDowell	Stephens	Weaver
Frazer	Rogers (Mobile)	Stoddard	Wellborn
Glover	Russell	Swift	

—23

Nays:

Messrs.:

Bonner	Kuykendall	Riddle	Walton
Chesnut	Mixon	Taylor	Woodall
Cook	Parrish		

—10

Mr. Kelley then offered the following amendment to the substitute to-wit:

Amend Kelly substitute to House Bill No. 180 by adding thereto Section 31½ to read as follows: Section 31½. The total of all votes cast in all of the counties shall be compiled by the Secretary of State and in the event the number of votes cast against the question proposed in Section 5 shall exceed the number cast in favor of the question, this Act shall not become operative or go into effect.

Which was adopted.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Riddle	Swift	Woodall

—32

Nays:—None.

Mr. Swift offered the following amendment to said substitute, to-wit:

Amend Kelly substitute for H. B. 180 by striking therefrom, beginning with the words "The Board" on line 26 of page 5, through and including the sentence ending with the words "wet County." on line 4 of page 6, and insert in lieu thereof the following:

The Board shall have the power to establish and maintain

State stores for the sale of spirituous and vinous beverages in each such wet county, but such stores shall be established only in municipalities having a population of two thousand or more according to the last or any subsequent Federal census, but not more than one store to a municipality; but in counties not having a city of such population the Board shall establish a State store at the county seat of said wet county.

Which was adopted.

Yeas, 21; Nays, 11.

Yeas:

Messrs.:

Browder	Kelly	Russell	Swift
Carlton	Locke	Simpson	Tucker
Dorsey	Mooneyham	Starnes	Walden
Fletcher	McDowell	Stephens	Weaver
Frazer	Rogers (Mobile)	Stoddard	Wellborn
Glover			

—21

Nays:

Messrs.:

Bonner	Kuykendall	St. John	Walton
Chesnut	Mixon	Taylor	Woodall
Cook	Riddle	Thomas	

—11

And said bill, as thus amended, was again read a third time at length and lost by failure to receive the required Constitutional majority.

Yeas, 19; Nays, 14.

Yeas:

Messrs.:

Browder	Glover	Russell	Tucker
Carlton	Locke	Simpson	Walden
Dorsey	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Rogers (Mobile)	Swift	

—19

Nays:

Messrs.:

Bonner	Kuykendall	St. John	Thomas
Chesnut	Mixon	Stephens	Walton
Cook	Parrish	Swift	Woodall
Kelly	Riddle	Taylor	

—14

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following bill:

By Mr. Starnes:

S. 64. To provide for the appointment by Circuit Judges of Court Bailiffs in all Circuits composed of more than one County

and having two Circuit Judges and to provide for the compensation of such bailiffs.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

REPORT OF THE JOINT COMMITTEE ON CONFERENCE
ON S. B. 117

To the Senate and House of Representatives of Alabama:

We your Conference Committee appointed on S. B. 117, beg leave to report as follows:

1. We recommend that the attached bill be substituted for S. B. 117.
2. We recommend the adoption of the substitute.

HAYSE TUCKER,
J. A. SIMPSON,
C. M. A. ROGERS,

Conferees on the part of the Senate

W. S. WELCH,
WM. P. McDERMOTT,
AUBREY DOMINICK,

Conferees on the part of the House.

Substitute for S. 117:

A BILL

To be entitled An Act to provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census.

Be it enacted by the Legislature of Alabama:

Section 1. The purpose of this act is to provide for a more convenient, economical and uniform system of assessing and collecting taxes on real estate by authorizing the tax assessing authorities in counties having a population of 110,000 or more according to the last, or any succeeding Federal census, to assess each lot or parcel of land separately to the owner last assessing said property or to the owner of record and annually thereafter under a unit system of assessment of real property, by assessing each lot or parcel of land, together with the improvements thereon, separately, and determining the value and the amount of taxes on each separate item of property so assessed.

Section 2. DEFINITION. (a) The words "tax assessor" shall mean any legally constituted authority having the duty to assess real property for State and County purposes.

(b) The word "Owner" shall include all persons owning land,

or improvements thereon, or owning any interest therein, or acting as agent, administrator, executor, or trustee of any owner, or estate owning any lands or improvements thereon, or any interest therein, subject to ad valorem taxes.

(c) "Unit System" of assessment shall mean the assessment of each lot or parcel of land, together with the improvements thereon, separately to the owner thereof.

Section 3. In all counties now having, or which may hereafter have, a population of 110,000 thousand, or more, according to the last, or any succeeding Federal census, the tax assessor, shall have the right and authority, beginning on October 1st of any taxable year, and annually thereafter, to make a separate assessment of each lot or parcel of land, together with the improvements thereon, assessing the same to the party last assessing said property, as shown by the Tax Assessor's records in said County, or to the owner of record. The failure of said assessor to assess said property against the true owner of said property shall not invalidate said assessment. The work of making said assessment as provided for herein, shall be completed by January 1st of said taxable year. The assessment shall show a description of the property assessed, the name of the owner to whom said property is assessed, the assessed valuation for the preceding tax year, and such other information as the assessor deems proper for the proper assessment of said property. It shall be the duty of any owner of any real estate on which improvements have been made or on which improvements have been removed or destroyed or partially removed or destroyed during any taxable year to notify the tax assessor on or before December 1st of all such changes made subsequent to October 1st of the preceding tax year.

In assessing any lot or parcel of land to any owner, the assessor shall assess to him the largest contiguous lot or parcel of land owned by him, except upon request of the owner, the assessor shall assess separately any lot or parcel of land that has been subdivided and a map thereof has been filed for record, or shall assess separately any lot or parcel of land of reasonable size and shape.

Section 4. After making said assessment as herein provided for, and on or before the last Monday in January of each taxable year, the tax assessor shall deliver a copy of all of said assessments to the Board of Review, who shall place a value on said property so assessed for the present tax year, and shall complete said work of fixing the assessed value of said property on or before the last Monday in February.

Section 5. Any owner of any property shall have the right to protest the valuation placed on said property by said Board of Review at any time after the Board of Review fixes the assessed

value of said property, and before the third Monday in March. Said protest shall be in such form and shall be heard in such manner as now provided for by law, except that it shall be the duty of the Board of Review to hear said protests, beginning the first Monday in April, and shall complete the hearing of all protests within the time provided for by law. Upon the final hearing of each protest, the Board of Review shall enter its final judgment, giving the date of same, and shall immediately certify the same to the tax assessor. In the event the Board of Review raises the assessed value of any property, notice of such raise shall be given to the party to whom said property is assessed.

Section 6. After the assessments have been completed as herein provided, the tax assessor shall prepare a tax roll showing the name and address of the person against whom said property was assessed, the description of said property and spaces for the amount of taxes, interest, fees, etc., the form of which to be approved by the State Tax Commission and such roll shall be delivered to the tax collector on or before the 15th day of September. Taxes on such assessments shall be due October 1st and delinquent January 1st, thereafter.

Section 7. After the first day of January, the tax collector shall mail a statement to all delinquents addressed to the party in whose name said property was assessed, showing a description of the property, and the amount of taxes, fees and costs due thereon. It shall be the duty of such party to pay the taxes and fees assessed and charged against said property. But the failure to comply with the requirements of this section, or the failure to receive said statement shall not invalidate a sale of said property for taxes, nor invalidate the title of any property sold for taxes.

Section 8. It shall be the duty of the tax collector, within the time required by law, to furnish to the probate judge a list of all property on which the entire amount of taxes, assessed against the property described therein, have not been paid; said tax collector shall certify on said list the amount of unpaid taxes, fees and costs. On receiving a list of said property, the judge of probate, shall notify by mail, addressed to the person against whom any unpaid taxes are assessed, a notice stating that the tax collector has filed a list of property on which all the taxes, fees and costs have not been paid, and has certified that there remains due and unpaid on the property described in said notice, the amount of taxes, interest and fees as shown therein, and for said person to appear at the next term of said court, commencing on _____ Monday of _____ 19____, and show cause why said property should not be sold for the payment of said taxes, interest and fees and penalties.

The failure to receive said notice shall not invalidate a sale of said property, nor the title of any property sold for taxes.

Section 9. Upon the trial of said cause, if no defense is interposed, or if interposed and on trial thereof, the same is adjudged insufficient in law, or is not sustained by the evidence adduced, the probate court shall make and enter a decree of sale substantially in the following form:

"It appearing to the Court that the taxes have been assessed against the property described in this cause to the amount of, (state amount here) dollars for the year-----, and that the same are still due and unpaid; and it further appearing that notice of this proceeding has been given as required by law, and no valid defense has been interposed against the sale of such real estate for the payment of taxes; it is therefore ordered, adjudged and decreed by the Court that the State of Alabama has a lien for the payment of said amount and for the additional sum of (state amount here) dollars, for fees, charges and costs in this behalf lawfully incurred. It is further ordered, adjudged, and decreed by the Court that said real estate be sold for the payment of said delinquent taxes, and of said fees, charges and costs and of the expenses of such sale." After said order of sale, the tax collector shall proceed to advertise and sell said property, and to have said sale confirmed as provided by law.

Section 10. This Act shall become effective in all counties subject hereto on October 1, 1936; Provided, the County Commission, Board of Revenue or other like or similar governing body of any such county may, on written request of the Tax Assessor of any such county, suspend the operation of this Act for not exceeding one year from and after said date by resolution duly passed and spread upon the minutes not less than thirty days prior to October 1, 1936.

Section 11. Each section of this Act, and every part of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective, or unconstitutional for any cause shall not affect the other sections or parts thereof, and it is now declared that other parts of sections would have been enacted regardless of any section or parts of sections which might be held unconstitutional, inoperative or ineffective.

Section 12. All laws or parts of laws inconsistent with or conflicting with this act are hereby expressly repealed.

CONFERENCE REPORT

On motion of Mr. Simpson, the Senate concurred in and adopted the foregoing report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all counties having a population of 110,000 or more, according to the last or any succeeding Federal Census.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:

Browder	Mixon	Simpson	Tucker
Chesnut	Mooneyham	Starnes	Walden
Cook	Riddle	Stephens	Walton
Dorsey	Rogers (Mobile)	Stoddard	Weaver
Fletcher	Russell	Swift	Wellborn
Glover	St. John	Thomas	Woodall
Kuykendall			

—25

Nays:—None.

And said bill, as thus amended by the report of the Conference Committee, was again read a third time at length and passed.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	Parrish	Stoddard	Wellborn
Frazer	Riddle	Swift	Woodall

—32

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended, has passed the following Senate bill:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from

such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Stephens, the Senate non-concurred in the following amendment by the House to Senate bill 125, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Bill 125 by adding the following immediately after the sentence "Be it enacted by the Legislature of the State of Alabama," the following; that Section 2 (g) be amended so as to read as follows: Section 2 (g) "Employment" means any employment in which all or the greater part of the person's work (within the continental United States) is or was customarily performed within this State, under any contract of hire, oral or written, express or implied, whether such person was hired and paid directly by the employer or through any other person employed by the employer, provided the employer had actual or constructive knowledge of such contract. Such employment shall include the person's entire employment (in all states, including the District of Columbia). In the case of all other persons employed partly in this state and partly in other states, the commission is authorized, with the approval of the Governor, to enter into reciprocal arrangements

with other states as to the extent the employment of such persons shall be included under this definition. The term "employment" shall not apply to: (1) Agricultural labor; (2) Domestic service in a private home; (3) Service performed as an officer, bar pilot or member of the crew of a vessel on the navigable waters of the United States; (4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother; (5) Service performed in the employ of the United States Government or of an instrumentality of the United States; (6) Service performed in the employ of a carrier engaged in interstate commerce and subject to the Act of Congress known as The Railway Labor Act: as amended or as hereafter amended. Service performed by those engaged as Solicitors or agents for Insurance Companies. (7) Service performed in the employ of a state, or political subdivision thereof, or an instrumentality of one or more states or political subdivisions; (8) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

And requests a committee of Conference.

And the President of the Senate appointed as conferees on the part of the Senate Messrs. Stephens, Simpson and Browder.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

By Mr. Stephens:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a

national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Stephens, the Senate non-concurred in the following amendment by the House to S. 126, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Bill 126 by adding the word "contributions" after the word "levies" where it appears in line 9 on page 2 of the Bill.

And requested a Committee of Conference.

Committee on part of the Senate Messrs. Stephens, Simpson and Browder.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Welch:

H. J. R. 91. Resolved by the House, the Senate concurring, that the doorkeeper of the House and the doorkeeper of the Senate and the Secretary of State be and they are each hereby relieved of liability for the Codes of 1923 and the Acts of 1935 and 1936, furnished the members of the House and Senate for their use.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 91, set out in the foregoing Message from the House was concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Mr. Welch:

H. J. R. 92. Whereas, Senate Bill No. 74, heretofore passed by the Senate and this day passed by the House, has been passed by the joint efforts of Senator Simpson and Representative Todd, the former introducing the Bill in the Senate and the latter introducing it in the House, now therefore,

Be it resolved by the House, the Senate concurring, that said Bill be known as the Simpson-Todd Bill.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, H. J. R. 92, set out in the foregoing Message from the House was concurred in and adopted.

MESSAGE FROM THE GOVERNOR

TO THE SENATE OF ALABAMA,
Montgomery, Alabama
Gentlemen:

I have to-day appointed Judge F. W. Hare of Monroeville, Alabama from the First District, as a member of the Board of Trustees of the Alabama Polytechnic Institute, Auburn, Alabama, for the unexpired term of W. H. Oates, deceased.

As under the law, these appointments must be confirmed by your Body, I herewith transmit the appointment to you for such action as you deem right and proper.

Respectfully,

BIBB GRAVES,
Governor.

April 17, 1936

GOVERNOR'S MESSAGE

On motion of Mr. Walton, the Senate confirmed the appointment by His Excellency, the Governor, of Judge F. W. Hare of Monroeville, Alabama, from the first District, as a member of the Board of Trustees of the Alabama Polytechnic Institute, Auburn, Alabama, for the unexpired term of W. H. Oates, deceased.

Yeas, 32; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Riddle	Swift
Browder	Kelly	Rogers (Mobile)	Taylor
Carlton	Kuykendall	Russell	Thomas
Chesnut	Locke	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stephens	Weaver
Frazer	Parrish	Stoddard	Woodall

—32

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 135. To amend Section 798, of the Code of Alabama, 1923.

Also:

S. 136. To amend Section 10342 of the Code of Alabama, 1923.

Also:

S. 134. To amend Section 793, of the Code of Alabama, 1923.

Also:

S. 84. To authorize the employment in their discretion by municipalities in Alabama having a population of not less than twenty-five hundred and not more than fifteen thousand, according to the last or any succeeding Federal census, of a City Manager; and to provide for the authority, duties, liabilities and penalties, the term of office and the compensation of City Managers so employed.

Also:

S. 179. To authorize and empower the Court of County Commissioners of Henry County to expend an amount not to exceed one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of the House Bill 324, of the regular session of the Legislature of 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction, repair or maintenance of the roads and bridges of the County including bonded indebtedness.

Also:

S. 151. To specify what stated purposes shall control in the expenditure of the proceeds of certain special three-mill district school taxes or special three mill county school taxes where the

petition for the tax election, the order of the county governing body calling the election, the notice of the election, or the official ballot provided vary in the statement of the purposes to which the proceeds of such tax shall be devoted; to provide that such variance shall not invalidate any such election or the levy and collection of taxes voted; to provide for the curing of such variances; and to provide further what constitutes submission of purposes to which the proceeds of such tax shall be devoted within the provisions of the Special School Tax Amendment to the State Constitution.

Also:

S. 89. To amend Sections 5 and 12 of an Act approved September 14, 1935, entitled "An Act to authorize, provide for, and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service."

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolution, your signature thereto is requested:

H. 8. To Amend Section 161-A of an Act "To Provide for the General Revenue of the State of Alabama" Approved July 10, 1935.

Also:

H. J. R. 90. Relative to requesting Congress to repeal restrictions on margarine.

Also:

H. 133. To amend Section 103 of Article 4 of an act entitled "To provide for the general revenue of the State of Alabama" approved July 10, 1935, pertaining to and providing for appeals from final assessments by the State Tax Commission.

Also:

H. 171. To amend Section 376 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama of 1927 entitled, "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," approved August 20, 1927, as amended by an Act of the Legislature of Alabama of 1932, Extra Session, approved October 4, 1932, entitled, "An Act to amend Section 376 of the Code of Alabama of 1923 as amended by an Act

of the Legislature of Alabama, approved August 20, 1927, entitled: 'An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' found on page 274 of the Acts of 1927, as amended by an Act of the Legislature of Alabama of 1935 entitled, "An Act to amend Section 376 of the Code of Alabama of 1923, as amended by an act of the Legislature of Alabama of 1927 entitled, 'An Act to amend sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923,' approved August 20, 1927."

Also:

H. 204. To amend the title, and section 10, and section 16, and section 17, and to repeal section 11 of an act approved September 14, 1935, Entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such commission; to accept the benefit of an Act of Congress, approved June 6, 1933, Entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system and for other purposes", to provide for the creation of An Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this act; to establish an unemployment administration fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this act." (1935 Acts, Page 950)

Also:

H. 256. To amend Section 7795 of the Code of Alabama of 1923, relating to the issuance by clerks and registers of executions on judgments and decrees.

Also:

H. 294. To propose an amendment to the Constitution of Alabama of 1901, whereby the Town of Montevallo, Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and

one half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate of excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipality, at an election or elections to be held by it from time to time for such purpose, and to order an election of the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election for state and county officers in November 1936.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama of 1901 is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the general election to be held in 1936. The proposed amendment is as follows:

The Town of Montevallo, Alabama, shall have the power and right to levy and collect a tax of one half of one per centum in any one year on property situated therein based on the valuation of such property as assessed for State taxation for the tax year ending on the 30th day of September next succeeding the levy; provided, that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality, provided, further, that a majority of the qualified electors of said municipality voting at an election called for that purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose, or purposes for which it is levied and collected; provided, however, that the total tax to be levied shall not exceed one and one half ($1\frac{1}{2}$) per centum in any one year, Provided, further that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon it, under the Constitution or any amendment thereto, Each election held under the provisions hereof shall be ordered, held, canvasses and may be contested in the same manner as is or may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words; "For _____ excess rate of taxation for the year (or years) _____;" and

"Against _____ excess rate of taxation for the year (or years) _____". The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor, and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the excess rate shown by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors of said municipality to levy a special tax for a specified purpose, and such proposition is defeated, no second election for the same purpose shall be held in one year thereafter.

Section 2. It shall be the duty of the governor to give notice by proclamation, to be published in one newspaper in each county in the State, at least eight consecutive weeks next preceding the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz; Shall the following be adopted as an amendment to the Constitution of Alabama: The Town of Montevallo, Alabama, shall have the power and the right to levy and collect a tax of one half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment and the interest thereon, an additional tax of one half of one per centum may be levied and collected by said municipality; provided further, that a majority of the qualified voters of said municipal corporation voting at an election called for the purpose may vote a special tax not to exceed one half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which the same was levied and collected; provided, however, that the total tax to be levied by any municipal corporation shall not exceed one and one half (1½) per centum in any one year, Each election held under the provisions

hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporation for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words; "For_____ excess rate of taxation for the year (or years)_____;" and "Against_____ excess rate of taxation for the year (or years)_____." The rate of taxation proposed in excess of the rate of one per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different excess rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown, by placing a cross mark before the words expressing his choice. Nothing herein contained shall in any wise change or affect the right of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy a special tax for a specified purpose, and such proposition is defeated no second election for the same purpose shall be held in one year thereafter. This amendment shall be self-executing and no act of the legislature shall be required to put the same or any part thereof, in force.

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of

Alabama. The result of such election shall be made known by proclamation of the Governor.

Section 6. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the state treasury in the same manner as the expenses of the general elections are paid.

Section 7. Provided the right herein granted to levy additional taxes when the proposed amendment to the Constitution of the State of Alabama of 1901, is ratified at the next general election for state and county officers in November 1936, shall not be exercised unless and until same is ratified by a majority vote of the voters of the Town of Montevallo at a special election to be held when called by the Mayor and Council of the Town of Montevallo.

Also:

H. 327. To amend Section 10 of an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935.

Also:

H. 329. To amend Sections 4, 8, and 11 of an Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders," approved February 7, 1935, as amended by an Act entitled "An Act to amend Section 2 of an Act entitled 'An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for

the rights and remedies of bondholders' approved February 7, 1935," approved July 8, 1935.

Also:

H. 330. To amend Section 1 of an Act entitled "An Act to declare all toll bridges and toll ferries connected with or forming a part of any State or County public highway in the State of Alabama to be public utilities; to impose upon such toll bridges and toll ferries all the public obligations and to give them all the rights and privileges applying to other public utilities under the provisions of the Alabama Public Utility Act of 1920; and to make such toll bridges and toll ferries subject to regulation by the Public Service Commission in like manner as other public utilities are subject to regulation by said Commission under said Act," approved August 26, 1935.

Also:

H. 331. To amend Section 7 of an Act entitled "An Act to provide for the leasing, buying, condemning, otherwise acquiring, and/or freeing of any and all toll bridges within the State by the State Highway Department, with the approval of the Governor, and to provide the method and manner in which said leasing, purchasing, condemning, otherwise acquiring, and/or freeing of any and all of said bridges shall be accomplished; and to authorize and empower the State Highway Department to make, enter into and execute, with the approval of the Governor, any and all contracts or agreements necessary for the accomplishment of the purpose of this Act and to set aside and pledge from its revenues a sum not in excess of \$300,000.00, annually, therefor, for a period not exceeding thirty years," approved July 10, 1935.

Also:

H. 369. To amend Section Two of an Act of the Legislature of 1931 to provide for the election of a County Superintendent of Education for Geneva County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office.

Also:

H. 398. To submit to the qualified voters of the State at the next general election to be held on the first Tuesday after the first Monday in November, 1936 for their consideration, an Amendment to the Constitution of the State of Alabama to be known as Amendment No. to fix the compensation of the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely: "Amendment to Constitution by the addition of Section _____. After the respective effective dates hereof the Probate Judge, the Tax Collector and the Tax Assessor of Limestone County shall each continue to collect all fees, charges, benefits and penalties accruing to such offices or to the holders thereof and shall pay the same into, and the same shall be covered into the general fund of the Treasury of Limestone County. Thereafter the Probate Judge shall be paid out of the General Fund of the Treasury of said County in equal monthly installments the sum of Six Thousand Dollars (\$6,000.00) and no more per annum as salary and as reimbursement for his clerk hire, and the Tax Collector and the Tax Assessor shall each be paid the sum of Three Thousand Dollars (\$3,000.00) from the same fund for the same purposes and in the same installments. The Probate Judge, the Tax Collector and the Tax Assessor shall each be provided by the governing body of said County with a furnished office and equipment and supplies for the carrying on of the duties of their respective office, but they shall not be provided with any clerical hire. The provisions hereof shall be effective with respect to the Probate Judge at the beginning of the term of office of the Probate Judge elected in November, 1940, and with respect to the Tax Collector and the Tax Assessor at the beginning of the term of office of the Tax Collector and the Tax Assessor elected in November, 1938."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four successive weeks next preceding the general election in November, 1936, of the election and the amendment proposed by this Act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election held on the first Tuesday after the first Monday in November, 1936, the foregoing Amendment shall be submitted to the qualified electors of the State. Upon the ballots used at such election shall be printed the foregoing Amendment as set forth in Section One hereof in full. Following the proposed Amendment on the Ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark beside the word expressing his desire.

Section 4. The officers of such general election shall conduct a poll for the vote of the qualified electors upon the proposed

amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

E. F. Taylor,
Clerk.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House joint resolution; the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 35. To declare and fix the priority of the claims of local registrars of vital statistics in the several counties in the State.

S. 66. To authorize cities, towns and counties of Alabama, of 6,000 population and over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to Authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

S. 74. To provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years im-

prisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-third vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Mooneyham, all Senate bills on the Calendar were indefinitely postponed, to-wit:

S. 75. To create and establish a state adult probation department and a state probation commission, together with branches thereof and to describe the rights, powers and duties of said department and said commission and its branches; to provide for the appointment and term of office of its officers and fix the powers duties thereof; to fix the salaries and compensation of the officials and employees of said department and commission and to provide for the expenses thereof; to provide regulations establishing the eligibility of cases for probation; to provide regulations for those placed on probation and to establish conditions upon which probation may be revoked, modified, extended or cancelled; to provide for the suspension of sentence by the criminal courts of this state, having original jurisdiction in criminal cases and to authorize such courts to remit such part of the punishment imposed on those convicted in criminal cases and to further provide when this act shall become effective.

S. 3. To amend Article XIII, Chapter I of an Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

S. 2. To amend Article XIII, Chapter I of an Act to provide for the general revenue of the State of Alabama, approved July 10, 1935.

S. 172. To amend Section One of an act entitled an Act "allowing boxing, sparring, and wrestling matches and exhibition under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission", approved July 1, 1927; and to amend Section Three of said act as last amended August 21, 1935.

S. 118. To amend an Act Entitled: "An Act to Authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits but within the police jurisdiction thereof.

S. 131. To amend Sections 6599 and 6600 of the Code of Alabama, 1923.

S. 167. In relation to the public school system of Alabama; to make appropriations and provide funds for the support, maintenance, and development of the public school system of the State, and to repeal an Act approved on the 2nd day of September 1935, entitled "An Act in relation to the public school system of Alabama; to make appropriations and provide funds for the support, maintenance and development of the public school system of the State."

S. 171. To prohibit expenditure of funds from any department of State of Alabama or other funds for purpose of maintaining any board or bureau whose purpose is to investigate records of convicts of the State of Alabama.

S. 165. To make appropriations for the ordinary expense of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

S. 152. To amend Section 1744 of the 1923 Code of Alabama.

S. 197. To abolish the offices of Tax Assessor and Tax Collector; to create and establish the office of Tax Assessor-Collector; to define and prescribe the qualifications and duties of County Tax Assessor-Collector and to fix his compensation; to provide for the term of office of said Tax Assessor-Collector; to provide for the manner of his election and the filling of the vacancy in said office; to provide clerical assistance for said Tax Assessor-Collector and to repeal all laws in conflict herewith and to fix the time when this Act shall become effective.

S. 176. To repeal an Act, entitled "An Act to amend Section 334, Schedule 1, Subsection 31, of the Compiled Revenue Code of Alabama, and the Act approved July 22, 1927, entitled "In reference to and to further provide for the general revenue of the State of Alabama and published in Section 19, at page 160, of the Acts of 1927, as further amended by an Act approved July 30, 1931, entitled "an Act to amend Section 19 of the Revenue Act of 1927,"

which said amendment appears at page 812 of the published General Acts of Alabama of 1931, by exempting from the privilege or license tax for the operation of automotive vehicles imposed by said revenue law all passenger vehicles owned and operated by the Federal Government or by officers and enlisted men actually serving in the United States Army who are assigned by the War Department as Instructors and/or Sergeant Instructors with the National Guard of Alabama and all commissioned officers of the Active National Guard of Alabama. Approved September 14, 1935."

S. 186. To submit to the qualified voters of the State of Alabama at the next general election to be held on the _____ day of _____ 1936 for their consideration, an amendment to the Constitution to be known as Section _____ of the Constitution; to require that all salaries paid out of the general fund of the State of Alabama shall be subject to proration under the Constitution and laws which prorate the funds where there is not sufficient money in the general fund to meet all the appropriations from said fund.

S. 161. To provide for and regulate the possession, manufacture, sale and other disposition of spiritous, vinous and malt liquors in the several counties of the State of Alabama whenever such possession, manufacture, sale or other disposition is authorized in and by the election by the qualified voters of the several counties of the State to be held as provided in this Act; to provide for and create the Alabama Alcoholic Beverage Control Board and to define its powers, duties and authority; to prohibit the possession, manufacture, sale or other disposition of such liquors in the State of Alabama except as authorized by this Act and to repeal all laws and parts of laws, general, special, local and private in conflict with the provisions of this Act.

BILLS ON THIRD READING

The bill:

H. 431. To fix the compensation or salaries to be paid the tax collectors and tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts,

fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Cook	McDowell	Stephens	Walton
Dorsey	Parrish	Stoddard	Weaver
Frazer	Riddle	Swift	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

The bill:

H. 382. To authorize and empower the Court of Commissioners of Pike County in the State of Alabama, for the relief of Hattaway Lumber Company of Brundidge in said County, to pay to said company the sum of (\$212.00) Two Hundred Twelve & No/100 Dollars, to compensate for the damage to a truck injured on the Highway of said county by an employee of the county engaged in highway work for said county.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Tucker
Chesnut	Locke	St. John	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Parrish	Taylor	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 389. To abolish the fine and forfeiture fund of Lowndes County, Alabama; to provide for the payment into the General Fund of said county, all of the moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Lowndes County shall, in the future, be paid out of the General Fund of said County; to fix the priorities of said claims; to provide for the registration of the same; to regulate the payment

of the same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mixon	Starnes	Walden
Carlton	McDowell	Stephens	Walton
Chesnut	Parrish	Swift	Weaver
Dorsey	Riddle	Taylor	Wellborn
Goldsmith	Rogers (Mobile)	Thomas	Woodall
Kelly	St. John		

—26

Nays:—None.

The bill:

H. 423. To require the County Governing Body of Marion County, Alabama, to allow and order paid the cost of publication of notice of intention to apply for local legislation pertaining to or applicable to said county.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Thomas
Browder	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Cook	Mooneyham	Stephens	Weaver
Dorsey	Parrish	Stoddard	Wellborn
Frazer	Riddle	Taylor	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 106. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for licensing such dealers or the conduct of such businesses; to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

Was read a third time at length and passed.

Yeas, 24; Nays, 1.

Yeas:

Messrs.:

Browder	Kelly	Parrish	Taylor
Carlton	Kuykendall	Rogers (Mobile)	Thomas
Chesnut	Locke	Russell	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Stoddard	Weaver
Frazer	McDowell	Swift	Woodall

—24

Nay: Mr. Wellborn

— 1

The bill:

H. 314. To authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons. This Act shall not apply to Counties now or hereafter having a population of 90,000 or more according to the last or any succeeding Federal Census.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Russell	Taylor
Browder	Locke	Simpson	Thomas
Carlton	Mixon	Starnes	Walton
Chesnut	Mooneyham	Stephens	Weaver
Cook	McDowell	Stoddard	Wellborn
Dorsey	Parrish	Swift	Woodall
Frazer	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 355. To amend Section 213 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Parrish	Taylor
Carlton	Kuykendall	Russell	Thomas
Chesnut	Locke	Simpson	Tucker
Dorsey	Mixon	Starnes	Walton
Fletcher	Mooneyham	Stoddard	Weaver
Frazer	McDowell	Swift	Wellborn

—24

Nays:—None.

The bill:

H. 156. To authorize cities, towns and counties of Alabama to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Was taken up.

The Standing Committee on Municipalities reported the following substitute for said bill to-wit:

Committee substitute to H. 156:

A BILL

To be entitled an Act to authorize cities, towns, and counties of Alabama, having a population of 90,000 or over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Be it enacted by the Legislature of Alabama:

Section 1. That each city, town and county in Alabama, having a population of 90,000 or over, shall have the power to acquire sites for, and to construct or otherwise acquire and to establish and maintain, public museums and public art galleries and each such city, town and county shall have authority to exercise the afore-said powers to the end of rendering available public museums and public art galleries separate, the one from the other, or grouped two or more in the same building or as parts of the same institution.

Section 2. That whenever any public museum or public art gallery, or any group of two or more in combination has been established by any such city, town or county, the institution or enterprise so established may be administered by and through such instrumentality or instrumentalities as the governing body of such city, town or county may determine upon, and as may not involve transgression or the constitution of Alabama.

Section 3. This Act shall be construed as granting authority in cumulation of authority granted by existing statutes.

Section 4. This Act shall become effective upon the signature of the Governor.

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Glover	Rogers (Mobile)	Taylor
Carlton	Locke	Russell	Tucker
Cook	Mixon	St. John	Walton
Dorsey	Mooneyham	Simpson	Weaver
Fletcher	McDowell	Starnes	Woodall
Frazer	Parrish	Stephens	

—23

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Swift
Browder	Kuykendall	Russell	Taylor
Carlton	Locke	St. John	Thomas
Dorsey	Mixon	Simpson	Walton
Fletcher	Mooneyham	Starnes	Weaver
Frazer	McDowell	Stephens	Wellborn
Glover	Riddle	Stoddard	Woodall

—28

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following:

By Messrs. Chauncy Sparks, Jas. A. Hare, Jr., Geo. P. Quarles, Chas. E. Shaver, Earl M. McGowin, Aubrey Dominick, M. P. Kelly, Geo. Bliss Jones, Bull Connor, Eugene E. Waldrep, J. C. Austin, L. S. Moore, T. H. Street, M. L. Robertson, J. P. Haley, C. A. Spence, J. W. Long, W. C. Taylor, John W. Bateman, L. A. Sanderson, J. W. Parish, Neil Robinson, M. R. Norman, J. A. Parish, A. L. Staples, A. L. Hanks, F. W. Britton, C. D. Norman, H. M. Doster, A. C. Davis, C. E. Whigham, A. P. Williams, J. B. Goolsby, J. Milton Shipman, John D. Chichester, V. L. Adams, V. J. Douglass, J. R. Todd, B. H. Matthews, C. W. Posey, David M. Hall, Jr.

H. J. R. 73. WHEREAS, we believe:

1. That a new appropriation bill should be passed to balance outgo with income.

2. That provisions should be made for all executive, legislative and judicial economies in the administration of the various functions of government;

3. That departments of government should be consolidated and co-ordinated, where possible.

4. That the educational systems should be reformed and revised so that they may render the best service for the amount of appropriations allotted.

5. That the activities of government should not be expanded beyond the ability of a people, reasonably taxed, to sustain.

6. That no additional taxes should be considered until it is definitely ascertained there will be insufficient revenues for needed appropriations after all economies have been effected and existing tax laws rigidly, fairly and equally enforced.

7. That a plan for state employment in the interest of continuing efficiency should be provided.

THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring,

That, in the event of another call for an extra session, the Governor is respectfully urged :

(a) to embrace the above subjects in his proclamation,

(b) To appoint a Committee of the two houses, or an independent commission, composed of persons who adhere to and believe in the principles herein stated, and who represent the views of those members of the Legislature who have consistently adhered to those principles,

(c) To name such committee or commission a reasonable length of time before convening the Legislature. The duty of the Committee or commission shall be to study, the principles stated, prepare bills embodying them and report and transmit such bills to any subsequent session of this Legislature.

(d) To provide for the payment of the per diem and all expenses including travel and subsistence, and all clerical help, of such committee or commission, out of the Governor's emergency fund.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

H. J. R. 73, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President :

The House has amended as therein shown and, as amended, has passed the following Senate bill :

S. 43. To provide that in all counties in this State having a population of Fifty Thousand or more according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred, under the law to deputy sheriffs; and to further provide when this Act shall become effective.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Senate concurred in the following amendment by the House to S. 43, the title of which is set out in the foregoing Message from the House to-wit:

Amend Senate Bill 43 by substituting the figures 45000 wherever the figures 50000 appear therein.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Carlton	Kelly	Parrish	Starnes
Cook	Kuykendall	Rogers (Mobile)	Swift
Dorsey	Locke	Russell	Thomas
Fletcher	Mixon	St. John	Walton
Frazer	Mooneyham	Simpson	Weaver
Goldsmith			

—21

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the Senate's request for a Committee of Conference on the disagreement of the two houses in the House amendment to the following Senate bill:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for

contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and to prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

And the Speaker of the House has appointed as conferees on the part of the House, Messrs. Byars, Hill and McGowin.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the Senate's request for a Committee of Conference on the disagreement of the two houses in the House amendment to the following bill:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the

promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

And the Speaker of the House has appointed as conferees on the part of the House Messrs. Byars, Hill and Harrison.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Kelly:

S. 158. To amend Section 1153 of the Code of Alabama of 1923, relating to public health.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Simpson:

S. 139. To amend Schedule 158.15 of Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the following Senate bill:

By Mr. Simpson:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census.

And said bill, S. 117, as amended, was again read a third time at length and passed.

And said bill, S. 117, together with the Report of Committee of Conference, is herewith returned to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senatc bills:

By Mr. Simpson:

S. 155. To amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

Also:

By Mr. Mooneyham:

S. 170. To provide for service of notice by tax collector on resident taxpayers when personal service or service by registered mail cannot be perfected as now provided by law.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

APPOINTMENT OF COMMITTEE OF SENATE

Under the provisions of the joint resolution:

S. J. R. 16. BE IT RESOLVED by the Senate of the State of Alabama, the House of Representatives concurring, that:

1. There is hereby established the Alabama Commission on Interstate Cooperation, which shall encourage and arrange conferences with officials of other states and of other units of government; carry forward the participation of this state as a member of the Council of State Governments, both regionally and nationally; and formulate proposals for cooperation between this state and other states.

2. There is hereby established a standing Committee on Interstate Cooperation of the Senate, to consist of five Senators. The members and chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the Senate. The Lieutenant Governor may serve as one of the five members of this committee.

3. There is hereby established a similar standing Committee on Interstate Cooperation of the House of Representatives, also to consist of five members; and the members and chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the House of Representatives.

4. The said Commission on Interstate Cooperation shall be composed of fifteen members, namely:

The five members of the Committee on Interstate Cooperation of the Senate,

The five members of the Committee on Interstate Cooperation of the House of Representatives, and

Five officials of the state government named by the Governor, one of whom shall be designated by him as Chairman of the Commission.

The Governor shall be an honorary member of the Commission.

5. The Commission shall establish such committees as it deems advisable, to conduct conferences and to formulate proposals concerning subjects of intergovernmental cooperation. Subject to the approval of the Commission, the members of every such committee shall be appointed by the Chairman of the Commission. State officials who are not members of the Commission on Interstate Cooperation may be appointed as members of any such committee, but at least one member of the Commission shall be a member of every such committee. The Commission may provide such rules as it considers appropriate concerning the membership and

the functioning of any committee which it establishes. The Commission may provide for advisory boards for itself and for its various committees, and for the service of private citizens on such boards.

6. The Commission shall report to the Governor and to the Legislature within fifteen days after the convening of each regular legislative session, and at such other times as it deems appropriate. Its members and the members of all committees which it establishes shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under this act. The Commission may employ a secretary and a stenographer, it may incur such other expenses as may be necessary for the proper performance of its duties, and it may, by contributions to the Council of State Governments, participate with other states in maintaining the said Council's regional and central secretariats, and its other governmental services. The amount of such expenses shall not during any year exceed \$200.00 to be expended under the direction of the Governor.

7. The said standing Committee of the Senate and the said standing Committee of the House of Representatives, shall function during the regular sessions of the legislature and also during the interim periods between such sessions; their members shall serve until their successors are designated; and they shall respectively constitute the Senate and House Councils of the American Legislators' Association for this state. The term of each administrative member of the Commission shall extend until the next gubernatorial inauguration and thereafter until his successor is appointed.

8. The Secretary of State shall forthwith communicate the text of this measure to the Governor, to the Senate, and to the House of Representatives of each of the other states of the Union, and memorialize each legislature which has not already done so, to enact a law similar to this measure, thus establishing a similar commission with like duties and powers, and thus joining with this State in the common cause of reducing the burdens which are imposed upon the citizens of every state by governmental confusion, competition and conflict.

9. This Joint Resolution shall take effect immediately upon its passage by the Legislature.

The President and Presiding Officer of the Senate appointed as a Committee on part of the Senate Messrs. Walton, Simpson, Tucker and Woodall, the Lieutenant-Governor being a member ex-officio.

RECESS

At 12:45 P. M., on motion of Mr. Rogers of Mobile, the Senate took a recess until 2:30 this afternoon.

TWENTY-FIFTH DAY—AFTERNOON SESSION

Friday, April 17th, 1936.

The Senate re-assembled at 2:30 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	Wellborn
Frazer	Parrish	Swift	Woodall
Glover	Riddle		

—34

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the following House bill:

By Mr. Taylor:

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Said Conference Report being in words and figures as follows:

To the Senate and House of Representatives:

We, your Committee on Conference, appointed on the part of the House and Senate to consider House Bill No. 136, having been amended in the Senate of which amendment the House non-concurred in, we do hereby report and recommend the following amendment:

That Section 1 be amended so as to read as follows: Section 1. That Section 5 of an Act entitled "An Act to adopt for the State of Alabama the provision of the Wagner-Peyser Act; to designate the State Department of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor", be and the same is hereby amended so as to read as follows: Section 5. That the sum of \$20,000.00, or so much thereof as may be necessary, is hereby appropriated annually out of any monies in the General Treasury, not otherwise appropriated, for

the carrying out of the purposes of this Act. Said appropriation to be payable only on approval and order of the Governor."

Will O. Walton

J. A. Simpson

Hayse Tucker

Committee from the Senate

W. S. Welch

N. D. Denson

W. C. Taylor

Committee from the House of
Representatives

And said bill, H. 136, as amended by the Report of Committee of Conference was again read a third time at length and passed.

And said bill, H. 136, together with the Report of Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Senate concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to H. 136, the title of which and said Conference Report, is set out in the foregoing Message from the House.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Browder

Glover

McDowell

Taylor

Carlton

Kelly

Russell

Thomas

Chesnut

Kuykendall

St. John

Walden

Cook

Locke

Simpson

Walton

Dorsey

Mixon

Stephens

Weaver

Fletcher

Mooneyham

Swift

Woodall

—24

Nays:—None.

And said bill, as thus amended by the Report of the Conference Committee was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder

Kelly

Rogers (Mobile)

Taylor

Carlton

Kuykendall

Russell

Thomas

Chesnut

Mixon

St. John

Walden

Cook

Mooneyham

Simpson

Walton

Dorsey

McDowell

Stephens

Weaver

Fletcher

Parrish

Swift

Woodall

Glover

Riddle

—26

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 308. To provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, An Amendment to the Constitution of Alabama whereby the following school districts: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting at such election, provided further that the said district tax shall not be voted or collected in said districts unless and until the County in which said School District is located is levying and collecting not less than a 3-Mill County-wide Special School tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next General Election after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: That the following school districts as defined in Section 2 of Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle, as now or hereafter constituted in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, pro-

vided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District Tax shall not be voted or collected in said District unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed. Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes. This Amendment shall be self executing and no Act of the Legislature shall be required to put same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following, viz., "Shall the following be adopted as an Amendment to the Constitution of Alabama: The following School Districts as defined in Section 2, Article XIX of the Constitution: Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterborro and Laniers, Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle as now or hereafter constituted in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not exceeding 30 cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may here-

after be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election; provided further that the said District tax shall not be voted or collected in said Districts unless and until the County in which said school district is located is levying and collecting not less than a 3-Mill County-wide School Tax for the period for which the district levy is proposed. Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the cities of Andalusia, Attalla, Demopolis, Eufaula, Talladega, Munford, Lincoln, Winterboro and Laniers, Enterprise, Opp, Sylacauga, Clanton, Midland City and Montevallo and Hartselle, respectively, to the Court of County Commissioners or other governing body of the county in which said city is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said special tax shall be levied for public school purposes within said School District; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying school district taxes. This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force. -----Yes -----No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

E. F. Taylor,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Todd:

H. J. R. 94. Be it resolved by the House of Representatives, the Senate concurring, that Senate Bill No. 155 by Mr. Simpson be known and designated as the Simpson-Arnold Bill.

And sends same herewith to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Simpson, the Senate concurred in H. J. R. 94, set out in the foregoing Message from the House.

BILLS ON THIRD READING

The bill:

H. 100. To amend Section 9709 of the Code of Alabama of 1923 relating to transportation companies as defined therein.

Was taken up.

Mr. Tucker offered the following amendment to said bill, to-wit:

Amend H. B. 100 by adding Section 10 at the end thereof, reading as follows:

(10) Provided nothing in this Act shall apply to the regulation of commerce on navigable streams or rivers, whether the said streams or rivers contain locks and dams or not.

Which was adopted.

Yeas, 20; Nays, 2.

Yeas:

Messrs.:

Bonner	Dorsey	McDowell	Stoddard
Browder	Fletcher	Riddle	Taylor
Carlton	Glover	Rogers (Mobile)	Thomas
Chesnut	Kuykendall	St. John	Tucker
Cook	Mixon	Simpson	Weaver

—20

Nays: Messrs. Parrish and Walton

— 2

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 1.

Yeas:

Messrs.:

Browder	Locke	Simpson	Tucker
Carlton	Mixon	Starnes	Walden
Chesnut	Mooneyham	Stoddard	Walton
Cook	McDowell	Swift	Weaver
Dorsey	Rogers (Mobile)	Taylor	Wellborn
Fletcher	Russell	Thomas	Woodall
Kuykendall	St. John		

—26

Nay: Mr. Parrish

—1

The bill:

H. 125. To amend Section 51, of an Act approved August 23, 1927, entitled: An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide

for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turn-pikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue.

Was read a third time at length and passed.

Yeas, 28; Nays, 3.

Yeas:

Messrs.:

Browder	Kelly	Rogers (Mobile)	Taylor
Carlton	Kuykendall	Russell	Thomas
Chesnut	Locke	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	Mooneyham	Starnes	Walton
Fletcher	McDowell	Stoddard	Weaver
Frazer	Riddle	Swift	Woodall

—28

Nays: Messrs. Bonner, Parrish and Starnes

— 3

The bill:

H. 360. To provide for the conversion or exchange of coupon bonds into registered bonds of the same series, denominations and maturities and for the conversion or exchange of registered bonds into coupon bonds of the same series, denominations and maturities so that coupon bonds and registered bonds of the same series, denominations and maturities shall be interchangeable, at the option of the holder thereof, of all bonds of the State of Alabama of every kind and character heretofore issued which constitute a direct obligation of the State of Alabama and for the payment of which the full faith and credit of the State of Alabama is pledged; to provide for such conversions or exchanges; to fix the duties of the Governor and State Treasurer relative thereto; to fix the fees to be paid for such conversions or exchanges; to provide for the period during which no such conversions shall be made; to provide for an additional clerk for the State Treasurer; and to provide for the repeal of all laws and parts of laws, general, special, local and private, in conflict with the provisions of this Act."

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Swift
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walton
Cook	Mooneyham	Starnes	Weaver
Fletcher	McDowell	Stephens	Woodall
Frazer	Parrish	Stoddard	

—27

Nays:—None.

The bill:

H. 68. To provide for and authorize the dismissal in and by the Circuit Court, of appeals to the Circuit Court from judgments of conviction rendered in any court subordinate or inferior to or lower than the Circuit Court, and to define and fix the effects and consequences of such dismissals.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner	Kelly	Russell	Taylor
Carlton	Locke	St. John	Tucker
Cook	Mixon	Simpson	Walden
Dorsey	McDowell	Stephens	Walton
Fletcher	Parrish	Stoddard	Weaver
Frazer	Riddle	Swift	Woodall
Glover	Rogers (Mobile)		

—26

Nays:—None.

The bill:

H. 337. To Amend Section No. 8282 of the Code of Alabama of 1923, so as to read as follows:

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Rogers (Mobile)	Taylor
Browder	Kuykendall	Russell	Thomas
Carlton	Locke	St. John	Tucker
Chesnut	Mixon	Simpson	Walden
Cook	Mooneyham	Stephens	Walton
Dorsey	McDowell	Stoddard	Weaver
Fletcher	Parrish	Swift	Woodall

—28

Nays:—None.

The bill:

H. 336. To Amend Section No. 8281 of the Code of Alabama of 1923, so as to read as follows:

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:

Bonner	Frazer	Rogers (Mobile)	Swift
Browder	Kuykendall	Russell	Taylor
Carlton	Locke	St. John	Thomas
Chesnut	Mixon	Simpson	Tucker
Cook	Mooneyham	Starnes	Walden
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	Woodall

—28

Nays:—None.

The bill:

H. 147. To amend Schedule 135 of Article XIII Chapter 1 License Schedule of an Act to provide for the General Revenue of the State of Alabama approved July 10, 1935.

Was taken up.

Mr. Swift offered the following substitute for said bill, to-wit:

A BILL

To be entitled an Act to amend Schedule 135 of Article XIII, Chapter 1, License Schedule of an Act to provide for the General Revenue of the State of Alabama approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. Amend Schedule 135 to read as follows:

That for each machine, device and/or table, which is operated or played by depositing a coin or slung in a slot, and on which music is played, and/or on which games of skill are played, and/or on which balls drop in holes or sockets, and/or on which a person is weighed, shall pay the following license: Machine having a penny-in-the-slot device used for weighing five dollars (\$5.00); all other penny-in-the-slot machines, ten dollars (\$10.00); machine having a nickel-in-the-slot device, fifty dollars (\$50.00). Machine having a device in which a coin of a larger denomination than a nickel is required or may be used to operate the machine, One Hundred Dollars (\$100.00). Provided this shall not apply to slot devices on lock on doors, motors, electric fans, telephones, postage stamps vending machines, drinking cup, electricity or gas vending machines or meters. The license herein required shall be for the operation of the particular machine for which issued and shall be attached to or securely posted in a conspicuous place on such ma-

chine. A licensed machine may be transferred to any other place in the same county. Provided such transfer of location is filed with the Probate Judge and posted by him on his license stub. If any machine is found in or at any place of business which has not been licensed, the owner, proprietor or operator of such establishment, store, or place of business in which said machine is located shall be liable for said license. Provided that none of the provisions herein shall be taken or construed as legalizing the operation of such machines, devices or tables.

Which was adopted.

Yeas, 23; Nays, 4.

Yeas:

Messrs.:

Bonner	Kelly	Rogers (Mobile)	Swift
Browder	Locke	Russell	Taylor
Chesnut	Mixon	St. John	Thomas
Cook	Mooneyham	Simpson	Walton
Dorsey	McDowell	Stephens	Weaver
Fletcher	Parrish	Stoddard	

—23

Nays:

Messrs.:

Carlton	Starnes	Walden	Woodall
---------	---------	--------	---------

— 4

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; Nays, 7.

Yeas:

Messrs.:

Bonner	Fletcher	McDowell	Stephens
Browder	Kuykendall	Parrish	Stoddard
Chesnut	Locke	Rogers (Mobile)	Swift
Cook	Mixon	Russell	Thomas
Dorsey	Mooneyham	St. John	Weaver

—20

Nays:

Messrs.:

Carlton	Starnes	Walden	Woodall
Simpson	Tucker	Walton	

— 7

The bill:

H. 11. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to provide that it shall be unlawful for the Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller by such treasurer in writing that there is then in the hands of such treasurer money

available and appropriated for the full payment of the same, and to provide that all appropriations now or hereafter made shall be either absolute or conditional, and to define absolute appropriations and conditional appropriations, and to provide which appropriations shall be absolute and which appropriations shall be conditional, and to provide that all unpaid conditional appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess, and to prohibit any discrimination in the payment of conditional appropriations, and to order an election for the qualified electors of the State of Alabama upon such proposed Article XXIV to be held on the first Tuesday after the first Monday in November, 1936.

Be it enacted by the Legislature of Alabama:

Section 1. That an amendment to the Constitution of the State of Alabama to be known and designated as Article XXIV as hereby proposed, the proposed amendment being as follows:

ARTICLE XXIV. Public education is hereby declared to be an essential and primary function of government in this State. It shall be unlawful for the Comptroller or like officer of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller or like officer by such Treasurer that there is then in the hands of such Treasury money available and appropriated for the full payment of the same. All appropriations now or hereafter made shall be either (a) Absolute, or (b) Conditional.

(a) The following shall be absolute appropriations, shall have preference over conditional appropriations, and to the limit of the money in the hands of the Treasurer available therefor, shall be payable in full in the order named:

1. Appropriations for payment of interest or principal or sinking fund on the public debt or on trust funds covered into the State Treasury.

2. Per capita appropriations to eleemosynary and correctional institutions and the care and maintenance of convicts.

3. Appropriations to make effective any constitutional provision setting apart any certain tax, excise, income or charge for a designated use or purpose, not including appropriations to be paid from the State's General Fund.

(b) All other appropriations shall be conditional appropriations and shall be payable in full only in the event that after providing for payment of the absolute appropriations there remains in the hands of the Treasurer money available for the full payment of all such conditional appropriations; and in case there is insufficient money available for such full payment, then the money available to

the limit of the money in the hands of the Treasurer available therefor, shall be prorated without any discrimination, and each such conditional appropriation shall be payable in the proportion which the money available bears to the total of all such conditional appropriations. At the end of each fiscal year all unpaid conditional appropriations which exceed the amount of money in the State Treasury subject to the payment of the same, after such proration, shall thereupon become null and void to the extent of such excess.

Section 2. An election by the qualified electors of the State upon such proposed amendment is hereby ordered, and the day hereby appointed for such election is the first Tuesday after the first Monday in November, 1936. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper once a week in every county in the State for four successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following; viz: "Shall the following be adopted as Article XXIV of the Constitution of Alabama?" This shall be followed by setting out said proposed amendment verbatim and in extense, and thereupon there shall be placed on said ballot the words:

"Yes....."

"No....."

The choice of the elector shall be indicated by a cross mark made by him or under his direction expressing his desire.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this Act, the law governing general elections, and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State in the same manner as in elections of representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at said election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up.

Mr. Tucker offered the following amendment to said bill, to-wit:
To amend H. B. 11, Article XXIV Paragraph (a) Sec. (2). By adding "And Alabama Institute for Deaf and Blind" at the end thereof.

Which was adopted.

Yeas, 29; Nay, 1.

Yeas:

Messrs.:

Bonner	Goldsmith	Parrish	Swift
Browder	Kelly	Rogers (Mobile)	Taylor
Carlton	Kuykendall	Russell	Thomas
Chesnut	Locke	St. John	Tucker
Cook	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stephens	Weaver
Fletcher	McDowell	Stoddard	Woodall
Frazer			

—29

Nay: Mr. Simpson

— 1

Mr. Walden offered the following amendment to said bill, to-wit:

Add to Section 3 the following words:

"It is provided that nothing herein contained shall interfere with the distribution of State gasoline taxes to the counties and/or to the State Highway Department, or to motor vehicle license tag taxes, as now provided by law, nor change the present constitutional or statutory disposition of gasoline taxes." or motor vehicle tag taxes.

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs.:

Bonner	Goldsmith	Rogers (Mobile)	Taylor
Browder	Kelly	Russell	Thomas
Carlton	Kuykendall	St. John	Tucker
Chesnut	Locke	Simpson	Walden
Cook	Mixon	Starnes	Walton
Dorsey	Mooneyham	Stoddard	Weaver
Fletcher	McDowell	Swift	Woodall
Frazer	Parrish		

—30

Nays:—None.

Mr. Swift offered the following amendment to said bill, to-wit:

Amend House Bill No. 11 by adding at the end of Subsection (a) 1 of Section 1 of the bill the following:

"Or the appropriation of funds collected and covered into the State Treasury for a specified purpose."

On motion of Mr. Simpson, said amendment was laid on the table.

Mr. Rogers of Mobile offered the following amendment to said bill, to-wit:

Amend subdivision (a) of Section 1 of House Bill 11 by adding thereto a paragraph to be numbered "4" and to read as follows:

"4. Appropriations made for the salaries or renumeration of all constitutional officers."

On motion of Mr. Fletcher, said amendment was laid on the table.

Yeas, 26; Nays, 6.

Yeas:

Messrs.:

Bonner	Kuykendall	Simpson	Thomas
Browder	Locke	Starnes	Tucker
Chesnut	Mixon	Stephens	Walden
Cook	Mooneyham	Stoddard	Walton
Dorsey	Parrish	Swift	Weaver
Fletcher	Russell	Taylor	Woodall
Frazer	St. John		

—26

Nays:

Messrs.:

Carlton	Kelly	Riddle	Rogers (Mobile)
Goldsmith	McDowell		

— 6

Mr. Woodall offered the following amendment to said bill, to-wit:

Amend House Bill No. 11 by adding at the end of subsection (a)-1 of Section 1 of the bill the following:

"or the appropriation of agricultural funds collected and covered into the State Treasury for a specified purpose."

On motion of Mr. Tucker, said amendment was laid on the table.

Yeas, 25; Nays, 6.

Yeas:

Messrs.:

Bonner	Goldsmith	Parrish	Stoddard
Browder	Kuykendall	Rogers (Mobile)	Taylor
Carlton	Locke	Russell	Thomas
Chesnut	Mixon	St. John	Tucker
Dorsey	Mooneyham	Simpson	Walden
Fletcher	McDowell	Starnes	Weaver
Frazer			

—25

Nays:

Messrs.:

Cook	Stephens	Walton	Woodall
Kelly	Swift		

— 6

Mr. Tucker moved that the bill as amended be engrossed and read a third time.

And on motion of Mr. Simpson the motion by Mr. Tucker was laid on the table.

Yeas, 20; Nays, 12.

Yeas:

Messrs.:			
Carlton	Kelly	Riddle	Swift
Chesnut	Kuykendall	Rogers (Mobile)	Walden
Cook	Locke	Russell	Walton
Frazer	Mooneyham	Simpson	Weaver
Goldsmith	McDowell	Starnes	Woodall

—20

Nays:

Messrs.:			
Bonner	Fletcher	St. John	Taylor
Browder	Mixon	Stephens	Thomas
Dorsey	Parrish	Stoddard	Tucker

—12

Mr. Woodall also offered the following amendment to said bill, to-wit:

Amend Subdivision (a) of Section 1 of House Bill 11 by adding thereto a paragraph to be numbered 4 as follows:

"4 Appropriations for the judiciary of Alabama."

Which was adopted.

Yeas, 21; Nays, 10.

Yeas:

Messrs.:			
Carlton	Kuykendall	Rogers (Mobile)	Swift
Chesnut	Locke	Russell	Taylor
Cook	Mooneyham	Simpson	Walden
Frazer	McDowell	Starnes	Walton
Goldsmith	Riddle	Stoddard	Woodall
Kelly			

—21

Nays:

Messrs.:			
Bonner	Fletcher	Stephens	Tucker
Browder	Mixon	Thomas	Weaver
Dorsey	Parrish		

—10

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 5.

Yeas:

Messrs.:			
Bonner	Kuykendall	St. John	Thomas
Browder	Locke	Simpson	Tucker
Chesnut	Mixon	Starnes	Walden
Dorsey	Mooneyham	Stoddard	Walton
Fletcher	McDowell	Swift	Weaver
Goldsmith	Parrish	Taylor	Woodall
Kelly	Russell		

—26

Nays:

Messrs.:			
Carlton	Frazer	Rogers (Mobile)	Stephens
Cook			

— 5

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 64. To provide for the appointment by Circuit Judges of Court Bailiffs in all Circuits composed of more than one County and having two Circuit Judges and to provide for the compensation of such bailiffs.

S. 84. To authorize the employment in their discretion by municipalities in Alabama having a population of not less than twenty-five hundred and not more than fifteen thousand, according to the last or any succeeding Federal census, of a City Manager; and to provide for the authority, duties, liabilities and penalties, the term of office and the compensation of City Managers so employed.

S. 89. To amend Sections 5 and 12 of an Act approved September 14, 1935, entitled "An Act to authorize, provide for, and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service."

S. 134. To amend Section 793, of the Code of Alabama, 1923.

S. 135. To amend Section 798, of the Code of Alabama, 1923.

S. 151. To specify what stated purposes shall control in the expenditure of the proceeds of certain special three-mill district school taxes or special three mill county school taxes where the petition for the tax election, the order of the county governing body calling the election, the notice of the election, or the official ballot provided vary in the statement of the purposes to which the proceeds of such tax shall be devoted; to provide that such variance shall not invalidate any such election or the levy and collection of taxes voted; to provide for the curing of such variances; and to provide further what constitutes submission of purposes to which the proceeds of such tax shall be devoted within the provisions of the Special School Tax Amendment to the State Constitution.

S. 179. To authorize and empower the Court of County Commissioners of Henry County to expend an amount not to exceed one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of the House Bill 324, of the regular session of the Legislature of 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction, repair or maintenance of the roads and bridges of the County including bonded indebtedness.

- S. 136. To amend Section 10342 of the Code of Alabama, 1923.
Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I am returning herewith to you, the body in which it originated, Senate Bill No. 103 without my approval.

I suggest the following Executive Amendments to said bill, which, if adopted, will cure my objections thereto:

1st. Amend Section 4 by adding just after the words "on a quantity basis" where they occur therein the following: "provided, however, this shall not apply to the ordinary license to do business in the municipalities".

2nd. Further amend the bill by amending Section 5 thereof so as to read as follows:

Section 5. That all such privilege taxes to be levied or imposed under this act and the money derived therefrom shall be used exclusively for the purpose of constructing and maintaining public roads, streets, bridges and ferries in said County of Houston, but the money accruing hereunder to any incorporated city or municipality may be expended as may be directed by the constituted authorities of such incorporated city or municipality.

3rd. Further amend the bill by adding Section 7 thereof, as follows:

Section 7. If any parts, sections or clauses of this Act shall be held to be unconstitutional the same shall not affect any other part, clause or section of the Act not declared to be unconstitutional.

Respectfully,

BIBB GRAVES,
Governor.

April 17, 1936

GOVERNOR'S MESSAGE

On motion of Mr. Walden, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and re-

finers selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money deprived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Said amendment being set out in the foregoing Message from His Excellency, the Governor.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder
Carlton
Cook
Dorsey
Frazer
Glover
Kelly

Locke

Mixon

McDowell

Parrish

Riddle

Rogers (Mobile)

Russell

St. John

Simpson

Stephens

Swift

Taylor

Thomas

Tucker

Walden

Walton

Weaver

Wellborn

Woodall

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Browder	Locke	St. John	Tucker
Carlton	Mixon	Simpson	Walden
Cook	McDowell	Stephens	Walton
Dorsey	Parrish	Swift	Weaver
Frazer	Riddle	Taylor	Wellborn
Glover	Rogers (Mobile)	Thomas	Woodall
Kelly	Russell		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

REPORT OF CONFERENCE COMMITTEE

To the Senate and the House of Representatives;

We, your Committee on Conference appointed to consider the difference between the House of Representatives and the Senate on Senate Bill 125, beg leave to report as follows;

We recommend that the Senate recede from its objections to the House Amendment, and concur in the same.

F. G. STEPHENS,
I. W. BROWDER,
J. A. SIMPSON,
Committee from the Senate.
CARL M. McDOWELL,
R. L. HILL,
J. D. L. BYARS,
Committee from the House

CONFERENCE REPORT

On motion of Mr. Simpson, the Senate concurred in and adopted the foregoing report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept

the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:

Bonner	Mixon	Russell	Taylor
Chesnut	Mooneyham	St. John	Thomas
Cook	McDowell	Simpson	Walden
Dorsey	Parrish	Stephens	Walton
Kelly	Rogers (Mobile)	Swift	Woodall
Kuykendall			

—21

Nays:—None.

And the Senate then concurred in the House amendment to said bill, which amendment is set out at length in the morning session of today's Journal.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Rogers (Mobile)	Thomas
Chesnut	Locke	Russell	Walden
Cook	Mixon	Simpson	Walton
Dorsey	Mooneyham	Stephens	Weaver
Frazer	McDowell	Swift	Woodall
Kelly	Riddle	Taylor	

—23

Nays:—None.

REPORT OF CONFERENCE COMMITTEE

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES:

We, your Committee on Conference appointed to consider the difference between the House of Representatives and the Senate on Senate Bill 126, beg leave to report as follows;

We recommend that the Senate recede from its objections to the House Amendment, and concur in the same.

F. G. STEPHENS,
I. W. BROWDER,
J. A. SIMPSON,
Committee from the Senate.
CARL M. McDOWELL,
R. L. HILL,
J. D. L. BYARS,
Committee from the House

CONFERENCE REPORT

On motion of Mr. Simpson, the Senate concurred in the foregoing report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

Yeas, 26; Nays, 0.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut
Dorsey

Fletcher
Frazer
Kelly
Kuykendall
Locke

Mixon
Mooneyham
McDowell
Parrish
Riddle

Rogers (Mobile)
Russell
Simpson
Stephens
Swift

Taylor	Walden	Weaver	Woodall	
Thomas	Walton			—26

Nays:—None.

And the Senate then concurred in and adopted the House amendment to said bill, which amendment was set out at length in the morning session of today's Journal.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:

Bonner	Kuykendall	Riddle	Taylor
Browder	Locke	Rogers (Mobile)	Thomas
Carlton	Mixon	Russell	Walden
Dorsey	Mooneyham	Simpson	Walton
Fletcher	McDowell	Stephens	Weaver
Frazer	Parrish	Swift	Woodall

—24

Nays:—None.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the following House bill:

By Mr. Welch:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State,

Whereas, Section 85 of the Constitution of the State of Alabama provides that it shall be the duty of the Legislature at its first session after the ratification of the Constitution and within every subsequent period of twelve years to make provisions by law for revising, digesting and promulgating the public statutes of the state, of a general nature, and

Whereas, the Legislature of Alabama at its session in 1919 did make appropriate provision by law for revising, digesting and promulgating the public statutes of the state of a general nature and which provision was effected by the adoption and promulgation of the Code of Alabama of 1923; therefore

Said Conference Report being in words and figures as follows:

"To

The President of the Senate

The Speaker of the House;

The Committee of Conference appointed to consider the disagreement of the two Houses on House Bill No. 109 respectfully submit the following report:

1. We recommend that the Senate recede from its amendment;
2. We recommend that the following section be added to House Bill No. 109:

Section 13½: When the manuscript of the code including the index, annotations and prefixes shall have been prepared and submitted to, and shall receive the approval of the Supreme Court, the Supreme Court at its discretion may permit the printing, publication and sale thereof.

The Governor of the State of Alabama is hereby authorized and empowered to purchase not exceeding 7,000 complete sets thereof for distribution among, and use by the various officers and departments of the State of Alabama, including the Supreme Court Library and University of Alabama and sale in the event any publishing house shall publish and print said manuscript in book form.

3. That House Bill No. 109 as originally passed by the House and transmitted to the Senate with the amendment by the addition of Section 13½ as above set out, be passed as thus amended.

W. O. WALTON

J. L. KELLY

W. C. WOODALL

Conferees on the part of the Senate

W. S. WELCH

CHAUNCEY SPARKS

JOHN A. LUSK, JR.

Conferees on the part of the House"

And said bill, H. 109, as amended by the Report of Committee of Conference was again read a third time at length and passed.

And said bill, H. 109, together with the Report of Committee of Conference, is herewith sent to the Senate.

E. F. Taylor,
Clerk.

HOUSE MESSAGE

On motion of Mr. Woodall, the Senate concurred in the Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 109, the title of which and said Conference Report, is set out in the foregoing Message from the House.

Yeas, 26; Nays, 1.

Yeas:

Messrs.:

Bonner

Browder

Carlton

Chesnut

Cook

Dorsey

Fletcher

Frazer

Glover

Kuykendall

Locke

Mixon

Mooneyham

McDowell

Parrish

Riddle

Rogers (Mobile)

Russell

Stephens

Swift

Taylor

Thomas

Walden

Walton

Weaver

Woodall

Nay: Mr. Simpson

—26

— 1

And said bill, as thus amended by the Conference Report, was again read a third time at length and passed.

Yeas, 24; Nays, 1.

Yeas:

Messrs.:

Bonner	Frazer	Parrish	Taylor
Browder	Kelly	Riddle	Thomas
Carlton	Kuykendall	Rogers (Mobile)	Walden
Chesnut	Locke	Russell	Walton
Cook	Mixon	Stephens	Weaver
Dorsey	McDowell	Swift	Woodall

—24

Nay: Mr. Simpson

— 1

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolution, your signature thereto is requested:

H. J. R. 91. Relative to relieving the doorkeepers and Secretary of State of liability for Codes of 1923 and Acts of 1935 and 1936.

Also:

H. 355. To amend Section 213 of the Code of Alabama of 1923.

Also:

H. 423. To require the County Governing Body of Marion County, Alabama, to allow and order paid the cost of publication of notice of intention to apply for local legislation pertaining to or applicable to said county.

Also:

H. 382. To authorize and empower the Court of Commissioners of Pike County in the State of Alabama, for the relief of Hattaway Lumber Company of Brundidge in said County, to pay to said company the sum of (\$212.00) Two Hundred Twelve & No/100 Dollars, to compensate for the damage to a truck injured on the Highway of said county by an employee of the county engaged in highway work for said county.

Also:

H. 314. To authorize the governing bodies of the counties in this State to fund or refund indebtedness of such counties outstanding on October 1, 1935, by the issuance of funding or refunding warrants; to provide the time within which such funding or

refunding warrants shall mature and the maximum rate of interest thereon; and to provide that such interest shall be payable semi-annually and may be evidenced by coupons. This Act shall not apply to Counties now or hereafter having a population of 90,000 or more according to the last or any succeeding Federal Census.

Also:

H. 431. To fix the compensation or salaries to be paid the tax collectors and tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.

E. F. Taylor,
Clerk.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolution, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 43. To provide that in all counties in this State having a population of 45,000 or more according to the last or any subse-

quent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such counties shall be authorized to expend County funds for such purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred, under the law to deputy sheriffs; and further provide when this Act shall become effective.

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate including the enforcement of tax liens in all Counties having a population of 110,000 or more, according to the last or any succeeding Federal Census.

S. 139. To amend Schedule 158.15 of Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

S. 155. To amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pensions and to provide for the enforcement thereof, to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

S. 158. To amend Section 1153 of the Code of Alabama of 1923, relating to public health.

S. 170. To provide for service of notice by tax collector on resident taxpayers when personal service or service by registered mail cannot be perfected as now provided by law.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 106. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for licensing such dealers or the conduct of such businesses; to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

Also:

H. 336. To Amend Section 8281 of the Code of Alabama of 1923, so as to read as follows:

Also:

H. 68. To provide for and authorize the dismissal in and by the Circuit Court, of appeals to the Circuit Court from judgments of conviction rendered in any court subordinate or inferior to or lower than the Circuit Court, and to define and fix the effects and consequences of such dismissals.

Also:

H. 136. To amend Section 5 of an Act approved September 11, 1935, entitled "An act to adopt for the State of Alabama the provisions of the Wagner-Peyser Act; to designate the State Depart-

ment of Labor, when created, as the agency of the State for the purposes of such Act, and to make an appropriation therefor."

Also:

H. 337. To Amend Section 8282 of the Code of Alabama of 1923, so as to read as follows:

Also:

H. 389. To abolish the fine and forfeiture fund of Lowndes County, Alabama; to provide for the payment into the General Fund of said county, all of the moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture fund; to provide that witnesses summoned on behalf of the State and all other claims which are payable out of the fine and forfeiture fund of Lowndes County shall, in the future, be paid out of the General Fund of said County; to fix the priorities of said claims; to provide for the registration of the same; to regulate the payment of the same; and to validate all witness certificates and claims now outstanding against the fine and forfeiture fund.

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the following Senate Bill:

By Mr. Walden:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, co-partnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor,

commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said county to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Wocopep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act and to provide when this Act shall become effective.

By a vote of a majority of the whole number elected to the House; said vote being: Yeas, 66; Nays, 0.

And said bill, S. 103, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 66; Nays, 0.

And returns same herewith to the Senate.

E. F. Taylor,
Clerk.

BILLS ON THIRD READING RESUMED

The bill:

H 370. To further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to require State tax on gasoline and motor oil used in operation of boats for taking oysters and shrimp, and freighters hauling same from where such oysters and shrimp are caught to the processing plants and raw oyster houses to be covered into the Oyster Fund, to authorize the Alabama Oyster Commission to open and close oyster reefs

and planted oyster bottoms when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any buoy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in the waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provisions of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same, and to provide for the repeal of all laws in conflict with the provisions of this Act; to determine what shall constitute seafoods; to vest title to all

seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain times of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting or for commercial purposes.

Was taken up.

Mr. Simpson offered the following amendment to said bill to-wit:

Amend House Bill 370 by McPhaul by striking from Paragraph 4 the following:

"And shall at all times seize any and all oysters, fish or other seafoods, which have been caught, taken or transported in a manner contrary to the laws of this State."

Which was adopted.

Yeas, 22; Nays, 1.

Yeas:

Messrs.:

Bonner
Browder
Carlton
Chesnut

Dorsey
Fletcher
Frazer
Kuykendall

Locke
McDowell
Rogers (Mobile)
Russell

St. John
Simpson
Starnes
Stephens

Swift	Tucker	Walton	Weaver	
Thomas	Walden			—22
Nay: Mr. Nixon				— 1

And said bill, as thus amended, was read a third time at length and lost by failure to receive the required Constitutional Majority.

Yeas, 17; Nays, 12.

<i>Yeas:</i>				
Messrs.:				
Browder	Kelly	St. John	Thomas	
Carlton	Kuykendall	Stephens	Walton	
Chesnut	Parrish	Swift	Weaver	
Cook	Riddle	Taylor	Woodall	
Dorsey				—17

<i>Nays:</i>				
Messrs.:				
Bonner	Locke	Rogers (Mobile)	Starnes	
Fletcher	Mixon	Russell	Tucker	
Frazer	McDowell	Simpson	Walden	—12

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House bill:

By Mr. Kelly:

H. 11. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to provide that it shall be unlawful for the Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama, upon the State Treasurer unless and until it shall have been certified to such Comptroller by such treasurer in writing that there is then in the hands of such treasurer money available and appropriated for the full payment of the same, and to provide that all appropriations now or hereafter made shall be either absolute or conditional, and to define absolute appropriations and conditional appropriations, and to provide which appropriations shall be absolute and which appropriations shall be conditional, and to provide that all unpaid conditional appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess, and to prohibit any discrimination in the payment of conditional appropriations, and to order an election for the qualified electors of the State of Alabama upon such proposed

Article XXIV, to be held on the first Tuesday after the first Monday in November, 1936.

Be it enacted by the Legislature of Alabama:

Section 1. That an amendment to the Constitution of the State of Alabama to be known and designated as Article XXIV is hereby proposed, the proposed amendment being as follows:

Article XXIV. Public education is hereby declared to be an essential and primary function of government in this State. It shall be unlawful for the Comptroller or like officer of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller or like officer by such Treasurer that there is then in the hands of such Treasury money available and appropriated for the full payment of the same. All appropriations now or hereafter made shall be either (a) Absolute, or (b) Conditional.

(a) The following shall be absolute appropriations, shall have preference over conditional appropriations, and to the limit of the money in the hands of the Treasurer available therefor, shall be payable in full in the order named:

1. Appropriations for payment of interest or principal or sinking fund on the public debt or on trust funds covered into the State Treasury.

2. Per capita appropriations to eleemosynary and correctional institutions and the care and maintenance of convicts.

3. Appropriations to make effective any constitutional provision setting apart any certain tax, excise, income or charge for a designated use or purpose, not including appropriations to be paid from the State's General Fund.

(b) All other appropriations shall be conditional appropriations, and shall be payable in full only in the event that after providing for payment of the absolute appropriations there remains in the hands of the Treasurer money available for the full payment of all such conditional appropriations; and in case there is insufficient money available for such full payment, then the money available to the limit of the money in the hands of the Treasurer available therefor, shall be prorated without any discrimination, and each such conditional appropriation shall be payable in the proportion which the money available bears to the total of all such conditional appropriations. At the end of each fiscal year all unpaid conditional appropriations which exceed the amount of money in the State Treasury subject to the payment of the same, after such proration, shall thereupon become null and void to the extent of such excess.

Section 2. An election by the qualified electors of the State upon such proposed amendment is hereby ordered, and the day hereby appointed for such election in the first Tuesday after the first Monday in November, 1936. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper once a week in every county in the State for four successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following: viz: "Shall the following be adopted as Article XXIV of the Constitution of Alabama?" This shall be followed by setting out said proposed amendment verbatim and in extense, and thereupon there shall be placed on said ballot the words:

"Yes_____"

"No_____"

The choice of the elector shall be indicated by a crossmark made by him or under his direction expressing his desire.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this Act, the law governing general elections, and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State in the same manner as in elections of representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at said election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

And requests a Committee of Conference. The Speaker of the House has appointed as conferees on the part of the House Messrs. Harrison, Sparks (Barbour) and Kelly.

E. F. Taylor,

Clerk.

HOUSE MESSAGE

The Senate accedes to the request of the House for a committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 11, the title of which is set out in the foregoing Message from the House, and the President appointed as conferees on part of the Senate Messrs. Rogers of Mobile, Mooneyham and Carlton.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

By Mr. Rayburn:

H. 100. To amend Section 9709 of the Code of Alabama of 1923 relating to transportation companies as defined therein.

Also:

By Mr. Steele:

H. 147. To amend Schedule 135 of Article XIII, Chapter 1, License Schedule of an Act to provide for the General Revenue of the State of Alabama approved July 10, 1935.

Also:

By Mr. Chichester:

H. 156. To authorize cities, towns and counties of Alabama, having a population of 90,000 or over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the following Senate bill:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide

for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

And said bill, S. 125, as amended, was again read a third time at length and passed.

And said bill, S. 125, together with the Report of Committee of Conference, is herewith returned to the Senate.

E. F. Taylor,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the following Senate bill:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other

employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal his Act."

And said bill, S. 126, as amended, was again read a third time at length and passed.

And said bill, S. 126, together with the Report of Committee of Conference, is herewith returned to the Senae.

E. F. Taylor,
Clerk.

RE-CONSIDERATION OF VOTE

Mr. Kelly moved that the vote by which the bill:

H. 180. To legalize and regulate the manufacture, sale and possession of alcohol, and alcoholic and malt beverages in Alabama; to create the office of Alcoholic Beverage Commissioner, to fix his term of office, compensation, and powers, and provide for his appointment; to provide and levy a license upon the sale of alcohol and alcoholic and malt beverages, and to levy an excise tax thereon, and to regulate their manufacture, possession, sale and transportation, and to provide for the general revenue of the State of Alabama; and to repeal all laws in conflict with this Act.

Was lost during the morning session, be re-considered, which motion prevailed and said vote was re-considered.

And on motion of Mr. Kelly, said bill was indefinitely postponed.

RECESS

At 7 P. M., on motion of Mr. Mooneyham, the Senate took a recess until 8:30 this evening.

TWENTY-FIFTH DAY—NIGHT SESSION

Friday, April 17th, 1936.

The Senate re-assembled at 8:30 P. M., Lieutenant-Governor Knight presiding.

ROLL CALL

Present:

Messrs.:			
Bonner	Kelly	Rogers (Mobile)	Swift
Browder	Kuykendall	Russell	Taylor
Carlton	Locke	St. John	Thomas
Chesnut	Mixon	Simpson	Tucker
Cook	Mooneyham	Starnes	Walden
Dorsey	McDowell	Stephens	Walton
Fletcher	Parrish	Stoddard	Woodall
Frazer	Riddle		

—30

REPORT OF CONFERENCE COMMITTEE

To the President of the Senate and the Speaker of the House of Representatives:

We, your Committee on Conference, on the differences of the two Houses on H. 11 beg leave respectfully to report:

1. That we cannot agree in conference.
2. That we be discharged from further consideration of H. 11, unless the two Houses see fit to instruct their conferees differently.
3. We herewith return to the House of Representatives, the House in which it originated, H. 11.

C. M. A. ROGERS,
F. H. MOONEYHAM,
O. D. CARLTON,
Conferees on part of Senate.
W. C. HARRISON,
CHAUNCEY SPARKS,
M. P. KELLY,

Conferees on part of the House of Representatives.

CONFERENCE REPORT

On motion of Mr. Browder, the Conference Committee in the foregoing Conference Report was discharged and a new Conference Committee consisting of Messrs. Fletcher, Kelly and Stephens appointed to confer further with the conferees of the House on the disagreement of the two Houses on the Senate amendment to the bill:

H. 11. To propose an amendment to the Constitution of Alabama to be known and designated as Article XXIV thereof, to

provide that it shall be unlawful for the Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to or administered by the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Comptroller by such treasurer in writing that there is then in the hands of such treasurer money available and appropriated for the full payment of the same, and to provide that all appropriations now or hereafter made shall be either absolute or conditional, and to define absolute appropriations and conditional appropriations, and to provide which appropriations shall be absolute and which appropriations shall be conditional, and to provide that all unpaid conditional appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess, and to prohibit any discrimination in the payment of conditional appropriations, and to order an election for the qualified electors of the State of Alabama upon such proposed Article XXIV, to be held on the first Tuesday after the first Monday in November, 1936.

Yeas, 19; Nays, 6.

Yeas:

Messrs.:

Bonner	Locke	Simpson	Tucker
Browder	Mixon	Starnes	Walden
Dorsey	Parrish	Stephens	Walton
Fletcher	Russell	Taylor	Woodall
Kelly	St. John	Thomas	

—19

Nays:

Messrs.:

Carlton	Mooneyham	Riddle	Rogers (Mobile)
Frazer	McDowell		

— 6

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including

"kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation;

to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintainance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

Earle Thomas,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-third vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

* H. 147. To amend Schedule 135 of Article XIII, Chapter 1 License Schedule of an Act to provide for the General Revenue of the State of Alabama approved July 10, 1935.

Also:

H. 156. To authorize cities, towns and counties of Alabama having a population of 90,000 or over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Also:

H. 125. To amend Section 51, of an Act approved August 23, 1927, entitled: An Act To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turn-pikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue.

Also:

H. 100. To amend Section 9709 of the Code of Alabama of 1923 relating to transportation companies as defined therein.

E. F. Taylor,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 109. To provide for the revision, codification, digesting and promulgation of the public statutes of this State.

Also:

H. 360. "To provide for the conversion or exchange of coupon bonds into registered bonds of the same series, denominations and maturities and for the conversion or exchange of registered bonds into coupon bonds of the same series, denominations and maturities so that coupon bonds and registered bonds of the same series, denominations and maturities shall be interchangeable, at the option of the holder thereof, of all bonds of the State of Alabama of every kind and character heretofore issued which constitute a direct obligation of the State of Alabama and for the payment of which the full faith and credit of the State of Alabama is pledged; to provide for such conversions or exchanges; to fix the duties of the Governor and State Treasurer relative thereto; to fix the fees to be paid for such conversions or exchanges; to provide for the period during which no such conversions shall be made; to provide for an additional clerk for the State Treasurer; and to provide for the repeal of all laws and parts of laws, general, special, local and private, in conflict with the provisions of this Act."

E. F. Taylor,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secre-

ary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

REPORT OF SECRETARY

To the Senate:

Pursuant to the provisions of Joint Rule No. 5 of the Senate and House, I respectfully report the following Senate bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. 6. To enable Elmore County, Alabama to finance building, maintenance repair or improvement of public roads therein, undertaken independently by the County, or in conjunction with State and National agencies, or either, by issuance of interest bearing warrants on the gasoline tax fund received or to be received from the State and in case of deficiency of such fund when warrants are payable to provide in the discretion of the Court of County Commissioners for payment out of the road and bridge fund or from the general fund of the County where the other funds are insufficient; to provide for the manner of issuance of said warrants, the rate of interest thereon and the manner of payment thereof; to provide for disposition of said warrants, the length of time for which they shall run, limitation of amounts and manner of registration and cancellation thereof; and priority of payment.

Delivered to the Governor March 11, 1936, at 10:45 A. M.

Also:

S. 7. To authorize Elmore County through its court of commissioners to borrow money in anticipation of taxes, to provide for issuance of warrants of certificates of indebtedness therefor, to limit the amount of such loans, the rate of interest thereon, to provide for the maturity thereof, the manner of execution, for registration, payment and cancellation, and priority of payment out of taxes collected.

Delivered to the Governor March 11, 1936, at 10:45 A. M.

Also:

S. 25. To prescribe the fees and commissions to be allowed the Tax Collectors and Tax Assessors for assessing and collecting all special County or District taxes levied for school purposes in all Counties of this State having a population of not less than eighty thousand persons and not more than one hundred thousand persons, according to the last Federal census or any subsequent Federal census.

Delivered to the Governor March 11, 1936, at 10:45 A. M.

Also:

S. 29. To require the Court of County Commissioners, or like governing body of Chilton County, to appropriate annually out of the general fund of the County a sum not less than Three Thousand (\$3,000.00) Dollars; such sum to be a preferred claim and payable to the budget of the Chilton County Health Department for the establishment, maintenance and operation of a health department in said county.

Delivered to the Governor March 11, 1936, at 10:45 A. M.

Also:

S. 30. To require the Court of County Commissioners or like governing body of Chilton County Alabama to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H Club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect.

Delivered to the Governor March 11, 1936, at 10:45 A. M.

Also:

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, coming to the Legislature of Alabama, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama, to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Delivered to the Governor March 11, 1936, at 10:45 A. M.

Also:

S. 49. To amend Sections 7547, 7551, 7552, 7554, 7556, 7557,

7558, 7560, 7563, 7567, and 7596 of the Code of Alabama of 1923, and to repeal Section 7562 of said Code.

Delivered to the Governor March 13, 1936, at 10:50 A. M.

Also:

S. 53. To authorize and empower the County Board of Education of Chilton County Alabama to rent offices, buildings or parts of buildings for quarters or offices to be used by said County Board of Education and the Superintendent of Education and his assistants, of said county, and to authorize the Board of Education of Chilton County, Alabama to purchase or buy necessary office equipment, supplies, stationery, postage, janitorial supplies, coal, telephone, lights and water and hire janitor services and to pay for the same out of the School funds of Chilton County, Alabama.

Delivered to the Governor March 17, 1936, at 12:05 P. M.

Also:

S. 54. To require the Court of County Commissioners of Chilton County, Alabama to set aside and appropriate after payment has been made of the liability of Chilton County, Alabama, for its share of paving the Clanton-Selma Highway in Chilton County, Alabama, such part of the funds received by Chilton County, Alabama, from the State of Alabama as a Gasoline Tax as will equal its part or share of said tax to the extent of 1c per gallon of said gasoline tax, for the purpose constructing and maintaining in said Chilton County, Alabama public Highway of a permanent type of paved road and to prohibit the Court of County Commissioners of Chilton County, Alabama from expending its gasoline tax received from the State of Alabama to the extent of the tax of 1c per gallon for any other purposes.

Delivered to the Governor March 17, 1936, at 12:05 P. M.

Also:

S. 81. To Amend an Act approved September 13, 1935, entitled 'An Act to Amend Section 28 of an Act entitled "An Act to create a pilotage commission; to define its jurisdiction, powers, and duties; to regulate pilots and pilotage, and to fix fees therefor; to prescribe the mode, penalties, and procedure for violation of this Act; and to repeal all laws in conflict therewith," approved March 4, 1931' "

Delivered to the Governor March 18, 1936, at 12:24 P. M.

Also:

S. 45. To authorize, permit and empower the Court of County Commissioners of Cherokee County, Alabama, or any like governing body of said County to appropriate ten (10%) per centum of

all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several Counties of this State, such appropriation to be paid monthly into the General Funds of Cherokee County, Alabama, and to be used in the payment of any and all claims payable out of the General Funds of Cherokee County, Alabama, and to continue such appropriation until October 1st, 1938, for the use and benefit of the General Funds of Cherokee County, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when the provisions of this Act shall go into effect.

Delivered to the Governor March 20, 1936, at 12:35 P. M.

Also:

S. 92. To allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies or resigns.

Delivered to the Governor March 24, 1936, at 12:10 P. M.

Also:

S. 95. To authorize and empower any municipal corporation located in Tuscaloosa County, Alabama, to use for general purposes all or any part of the funds derived by it under the provisions of an Act of the Legislature of Alabama, approved September 9th, 1935, entitled "An Act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil", "fuel oil", or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-Pep, or any other Motor fuel used by self propelled vehicles which

may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective."

Delivered to the Governor March 24, 1936, at 12:10 P. M.

Also:

S. 96. To authorize and empower the Board of Revenue of Tuscaloosa County, Alabama, to use a portion, or so much thereof as may be necessary, of the funds which are to be paid to Tuscaloosa County, Alabama, under the provisions of Article 13, Chapter IV, of the Act of the Legislature of Alabama approved July 10, 1935, entitled "An Act to Provide for the General Revenue of the State of Alabama," for the purpose of paying interest on, and establishing a sinking fund for the retirement of, any bonds of Tuscaloosa County, Alabama, which have been sold, or which may hereafter be sold, to provide funds for paving or aiding in the paving of any public roads in Tuscaloosa County which are, or which hereafter may be, designated as State Aid Roads by the State Highway Commission of Alabama, and which State Highway Commission with State funds or State and Federal Aid funds has improved and has let contracts for paving and has paved, or which it may hereafter improve and let contracts for paving, and that all laws and parts of laws in conflict with the provisions of this Act be repealed insofar as they apply to Tuscaloosa County, Alabama.

Delivered to the Governor March 24, 1936, at 12:10 P. M.

Also:

S. 97. To provide a fund for the support of a law library for the circuit court of Tuscaloosa County, Alabama, without appropriations from the State or county treasury, by the assessment and collection of court costs in all actions, suits, cases and proceedings hereafter filed in or brought to the circuit court of Tuscaloosa County, Alabama, and to fix the custodian of said funds and to provide regulations for the purchase, custody and handling of said library.

Delivered to the Governor March 24, 1936, at 12:10 P. M.

Also:

S. 99. For the relief of I. R. Reddoch, Judge of Probate of Crenshaw County, Alabama.

Delivered to the Governor March 24, 1936, at 12:10 P. M.

Also:

S. 107. To authorize and direct the Board of Revenue of Cal-

houn County, Alabama to pay for advertising the notice and substance of local bills to be introduced or having been introduced in the Legislature for said County when the bill applies to the whole County.

Delivered to the Governor March 24, 1936, at 12:10 P. M.

Also:

S. 102. To accept the provisions of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act; to provide for the State of Alabama to qualify for all of the purposes and benefits as specified in said Act; to authorize the State to make such plans as are necessary for carrying out the purposes of the Act; and to designate the Extension Service of the Alabama Polytechnic Institute as the agency of the State to administer said Act.

Delivered to the Governor March 24, 1936, at 5:00 P. M.

Also:

S. 4. To amend an Act entitled an Act to amend Section 1255 of the Code of Alabama, 1923, approved July 22, 1931.

Delivered to the Governor March 27, 1936, at 10:13 A. M.

Also:

S. 63. To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

Delivered to the Governor March 31, 1936, at 12:07 P. M.

Also:

S. 127. To regulate the office of the sheriff of Tuscaloosa County, Alabama; to exempt the sheriff of said County from court costs; to fix the compensation or salary to be paid the sheriff of Tuscaloosa County, Alabama, and to regulate the payment of the same; to fix the number and compensation of the sheriff's deputies, guards, jailers, and other employees of the sheriff; to require the deputy sheriffs and special deputy sheriffs of said sheriff to execute official bonds conditioned, payable and approved as the bond of the sheriff; to exempt the sheriff of said County from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to provide for the payment of the premium on the sheriff's and all deputies' bonds out of the County Treasury; to provide that all fees, charges and commissions taxable and collected as sheriff's

fees, charges or commissions be paid into the County Treasury, including fees for feeding prisoners, to be paid into the general fund of said County; to provide for the payment of the expenses of the office of said sheriff, including the costs of supplying and maintaining automobiles used by said sheriff in his official business, and authorizing the Board of Revenue to appropriate the necessary money for such expenses, and to regulate the expenditure of same; authorizing the sheriff of said County to employ an attorney to advise and represent him, whose compensation is to be fixed by the Board of Revenue and paid out of the County Treasury; abolishing in so far as it relates to Tuscaloosa County, Alabama, sheriff's fees provided for in Section 6717 of the Code of Alabama, 1923, and providing that the sheriff of said County shall furnish bailiffs required in Section 6716 of the Code of Alabama, 1923; to provide that said County shall not be liable for the acts or omissions of said sheriff or any of his deputies, guards, jailers or other employees; to repeal all laws and parts of laws which, as applied to Tuscaloosa County, Alabama, are in conflict with the provisions of said Act; and providing when and how said Act shall become effective.

Delivered to the Governor March 31, 1936, at 4:42 P. M.

Also:

S. 57. To authorize, require and provide for payment of the sum of Eighteen Hundred Eighty Dollars (\$1,880.00) for the relief of F. H. Gilliam, former Tax Collector of Madison County, said sum being an amount paid by him to the State of Alabama on charges made against him in a report of an examination of his office, for being delinquent 188 days in making final settlement with the State.

Delivered to the Governor April 3, 1936, at 11:00 A. M.

Also:

S. 65. To regulate school warrants, school finances, and school tax elections, to validate certain school warrants and indebtedness, and to repeal laws in conflict therewith.

Delivered to the Governor April 3, 1936, at 11:00 A. M.

Also:

S. 16. To authorize and empower the governing bodies of each of the several counties composing the Twenty-first Judicial Circuit of Alabama, namely, the counties of Baldwin, Conecuh, Escambia and Monroe, by resolution duly adopted and entered of record on the minutes of said governing bodies, or either of them, to pay to the Circuit Judge of said Circuit the sum of Twenty-five Dollars (\$25.00) per month, per county; said sums, when so paid

by each of said counties, to be in lieu of all expenses now allowed by law to said Circuit Judge while in his own Circuit.

Delivered to the Governor April 7, 1936, at 3:55 P. M.

Also:

S. 148. To ratify and approve the payment of \$171.71 that was made by the Treasurer of Elmore County, Alabama to the Southern Bell Telephone and Telegraph Company, Incorporated, upon warrants drawn on claims that were approved by the Court of County Commissioners of said County for a telephone for the office of the County or Deputy Solicitor of said County during the time between the dates of January 15, 1928 and January 15, 1934, both inclusive. Said sum of \$171.71 having been paid as aforesaid under and by virtue of an Act of the Legislature of Alabama, entitled "An Act to amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the office of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919", General Acts of Alabama of 1927, page 218, which said Act having heretofore been declared invalid by the Attorney General of Alabama, as to the payment of said sum.

Delivered to the Governor April 10, 1936, at 10:17 A. M.

Also:

S. 150. For the relief of W. E. Butler, Probate Judge of Madison County, Alabama.

Delivered to the Governor April 10, 1936, at 10:17 A. M.

Also:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon, to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said county from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels,

on a quantity basis; to repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Delivered to the Governor April 14, 1936, at 12:24 P. M.

Also:

S. 52. To amend an Act, entitled "An Act to promote the objects of the National Housing Act by authorizing banks, savings banks, trust companies, insurance companies and building and loan associations to make loans pursuant to Titles I and II of the National Housing Act, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, to invest in mortgages insured, and in debentures issued, by the Federal Housing Administrator, and to invest in securities of National Mortgage Associations," approved January 31, 1935, as amended by an Act approved August 15, 1935, by adding thereto a section making loans insured under Title II of the National Housing Act eligible for deposit where securities must be, or may be, deposited pursuant to any law of the State of Alabama.

Delivered to the Governor April 14, 1936, at 12:24 P. M.

Also:

S. 108. To make an appropriation for the support, maintenance and improvement of The Southern Industrial Institute.

Delivered to the Governor April 14, 1936, at 12:24 P. M.

Also:

S. 124. To amend Section 31 of an Act entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to

regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes", approved March 29, 1933, as amended, so as to permit the redemption of bonds with or without a premium, and so as to delete a portion of said section.

Delivered to the Governor April 14, 1936, at 12:24 P. M.

Also:

S. 143. To authorize and require the Board of Education in any County in the State of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal Census to provide a pension or retiring allowance for teachers who have served in the Public Schools of such County.

Delivered to the Governor April 14, 1936, at 12:24 P. M.

Also:

S. 168. To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of Franklin County, Alabama.

Delivered to the Governor April 14, 1936, at 12:24 P. M.

Also:

S. 90. To amend Sub-section D of Section 1 of an Act entitled: "An Act in relation to the educational system of Alabama: To make annual appropriations and provide funds for the support, maintenance and development of public education in Alabama, for the fiscal years ending September 30, 1936, 1937, 1938 and 1939, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades & Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama. (Approved September 2, 1935.)"

Delivered to the Governor April 14, 1936, at 6:10 P. M.

Also:

S. 62. To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention,

elimination or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act.

Delivered to the Governor April 14, 1936, at 6:10 P. M.

Also:

S. 91. To amend, by adding Section 4½ and amending Section 5, an Act entitled: "An Act in relation to the public school system of Alabama: To make appropriations and provide funds for the support, maintenance, and development of the public school system of the State. (Approved September 2, 1935)"

Delivered to the Governor April 14, 1936, at 6:10 P. M.

Also:

S. 76. To further provide for and regulate annual, partial, or final settlements by Administrators, Executors, Guardians and Trustee; to authorize the court having jurisdiction of any such settlements, to fix, determine and allow, upon such settlements, the fees or compensation of such Administrators, Executors, Guardians or Trustees, and to fix and allow compensation to be paid from any estate to attorneys representing any such administrators, executors, Guardians or Trustees; and to provide when any such annual or partial settlement shall be final and conclusive.

Delivered to the Governor April 14, 1936, at 6:10 P. M.

Also:

S. 122. To amend Section 2 of an Act entitled "An Act to authorize and provide for the establishment of a fund to be known as the Minimum Program Fund, and to define procedures to be used in apportioning the Minimum Program Fund for the elementary and high schools in the various counties and cities of the State." (Approved September 2, 1935).

Delivered to the Governor April 14, 1936, at 6:10 P. M.

Also:

S. 51. To prohibit persons, firms or corporations operating steam railroads in intrastate transportation of persons and property within the State of Alabama unifying or consolidating freight or passenger depots, freight or passenger terminals, freight or passenger yard tracks, freight or passenger shops or any freight or passenger terminal facilities, within the State of Alabama, used in the intrastate transportation of persons or property, where such unification or consolidation will constitute an unreasonable burden upon intrastate commerce within the State of Alabama or is not consistent with the public interest.

Delivered to the Governor April 15, 1936, at 11:00 A. .M

Also:

S. 50. To Amend Sections Eleven (11) and Fifteen and one-half (15½) of an act "To further regulate, provide for and require bonds of county officials and employees, and clerks, deputies and employees in county offices; to prescribe and provide for the fixing of the amount or amounts thereof and approving, filing and recording of such bonds; to provide for the payment of the premiums on certain of said bonds when the same are made in surety companies; to provide upon what conditions and the manner in which sureties on such bonds now in force or hereafter made may be discharged therefrom; and to provide for and prescribe the manner in which additional bonds may be required of such officials, employees, clerks, deputies and employees and in which such bonds now in force or hereafter made may be reduced and the sureties thereon discharged from liability beyond the amount of such reduced bonds and providing for the vacation of his office by the failure of such official, employee, clerk and deputy to make new or additional bonds required hereunder and for the appointment of his successor," approved April 20, 1933, and found in General and Local Acts of Alabama, Special Session 1933, pages 203-208 inclusive.

Delivered to the Governor April 15, 1936, at 3:55 P. M.

Also:

S. 35. To declare and fix the priority of the claims of local registrars of vital statistics in the several counties in the State.

Delivered to the Governor April 17, 1936, at 11:30 A. M.

Also:

S. 66. To authorize cities, towns and counties of Alabama, of 6,000 population and over, to acquire sites for, and to acquire, establish and maintain Public Museums and Art Galleries, and to

Authorize the Administration thereof by instrumentalities selected by the governing bodies of such cities, towns and counties.

Delivered to the Governor April 17, 1936, at 11:30 A. M.

Also:

S. 74. To provide for and submit to the qualified electors of the State of Alabama at the General election to be held on the Third Day of November, 1936, an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentence upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society;" to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Delivered to the Governor April 17, 1936, at 11:30 A. M.

Also:

S. 64. To provide for the appointment by Circuit Judges of Court Bailiffs in all Circuits composed of more than one County and having two Circuit Judges and to provide for the compensation of such bailiffs.

Delivered to the Governor April 17, 1936, at 4:35 P. M.

Also:

S. 84. To authorize the employment in their discretion by municipalities in Alabama having a population of not less than twenty-five hundred and not more than fifteen thousand, according to the last or any succeeding Federal census, of a City Manager; and to provide for the authority, duties, liabilities and penalties, the term of office and the compensation of City Managers so employed.

Delivered to the Governor April 17, 1936, at 4:35 P. M.

Also:

S. 89. To amend Sections 5 and 12 of an Act approved September 14, 1935, entitled "An Act to authorize, provide for, and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service."

Delivered to the Governor April 17, 1936, at 4:35 P. M.

Also:

S. 134. To amend Section 793, of the Code of Alabama, 1923.
Delivered to the Governor April 17, 1936, at 4:35 P. M.

Also:

S. 135. To amend Section 798, of the Code of Alabama, 1923.
Delivered to the Governor April 17, 1936, at 4:35 P. M.

Also:

S. 136. To amend Section 10342 of the Code of Alabama, 1923.
Delivered to the Governor April 17, 1936, at 4:35 P. M.

Also:

S. 151. To specify what stated purposes shall control in the expenditure of the proceeds of certain special three-mill district school taxes or special three mill county school taxes where the petition for the tax election, the order of the county governing body calling the election, the notice of the election, or the official ballot provided vary in the statement of the purposes to which the proceeds of such tax shall be devoted; to provide that such variance shall not invalidate any such election or the levy and collection of taxes voted; to provide for the curing of such variances; and to provide further what constitutes submission of purposes to which the proceeds of such tax shall be devoted within the provisions of the Special School Tax Amendment to the State Constitution.

Delivered to the Governor April 17, 1936, at 4:35 P. M.

Also:

S. 179. To authorize and empower the Court of County Commissioners of Henry County to expend an amount not to exceed one-third of the total amount that may be received from the levy and collection of the tax on gasoline under and by virtue of the House Bill 324, of the regular session of the Legislature of 1935, approved by the Governor July 10, 1935, in payment of any debts heretofore created in the construction, repair or maintenance of the roads and bridges of the County including bonded indebtedness.

Delivered to the Governor April 17, 1936, at 4:35 P. M.

Also:

S. 43. To provide that in all counties in this State having a population of 45,000 or more according to the last or any subsequent Federal Census, the work of the probation of convicts shall be a County purpose; that the Board of Revenue, County Commission or other governing or like governing bodies of such Counties shall be authorized to expend County funds for such

purpose; to provide that such governing bodies in all such counties shall have the power to appoint probation officers and to fix their compensation and to pay the same out of County funds; to provide regulations for arrest and detention of offenders by Probation Officers; to confer upon Probation Officers the same rights, powers, and duties as those conferred, under the law to deputy sheriffs; and to further provide when this Act shall become effective.

Delivered to the Governor April 17, 1936, at 5:20 P. M.

Also:

S. 117. To provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal census.

Deliver to the Governor April 17, 1936, at 5:20 P. M.

Also:

S. 139. To amend Schedule 158.15 Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Delivered to the Governor April 17, 1936, at 5:20 P. M.

Also:

S. 155. To amend an Act to establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age pensions; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payment of pensions under Article 1 of Chapter 55 of the Code of Alabama of 1923, as amended; to provide for the payment thereof; to make an appropriation for the same; to provide for a lien on the property of certain recipients of old age pension and to provide for the enforcement thereof; to provide for the administration of such system and to define offenses against this Act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged; and to repeal all laws in conflict herewith.

Delivered to the Governor April 17, 1936, at 5:20 P. M.

Also:

S. 158. To amend Section 1153 of the Code of Alabama of 1923, relating to public health.

Delivered to the Governor April 17, 1936, at 5:20 P. M.

Also:

S. 170. To provide for service of notice by tax collector on resident taxpayers when personal service or service by registered mail cannot be perfected as now provided by law.

Delivered to the Governor April 17, 1936, at 5:20 P. M.

Also:

S. 103. To authorize the Board of Revenue of Houston County, Alabama, to levy and collect a privilege tax on all persons, corporations, copartnerships, companies, agencies, associations and refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil" commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; to authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; to make provisions for the distribution of the funds derived from said privilege tax; to prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; to repeal the municipal privilege, excise and or license taxes on gasoline, Woco-pep, or any other motor fuel, used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said county; to provide for the use of the money derived from said privilege tax, and to provide penalties for the violations of such rules and regulations; to repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Delivered to the Governor April 17, 1936, at 10:40 P. M.

Also:

S. 125. To amend an Act approved September 14, 1935, entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefit; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the

benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act. This Act being approved September 14, 1935.

Delivered to the Governor April 17, 1936, at 10:40 P. M.

Also:

S. 126. To amend Section 18 of an Act approved September 14, 1935, and entitled "An Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such funds; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes"; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act."

Delivered to the Governor April 17, 1936, at 10:40 P. M.

J. E. Speight,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and, on motion of Mr. Tucker, said report was concurred in and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twenty-fifth Legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Webb Chesnut,
Chairman.

COMMITTEE REPORT

On motion of Mr. Chesnut, the foregoing report was concurred in and the Journal of the Senate for the twenty-fifth Legislative day approved by the Senate.

ADJOURNMENT SINE DIE

At 11:40 P. M., on motion of Mr. Mooneyham, the Senate adjourned Sine Die.

Thos. E. Knight, Jr.,

Lieutenant-Governor and President and Presiding Officer of the Senate.

Attest:

J. E. Speight,
Secretary.

LEGISLATIVE DAYS EXTRAORDINARY

SESSION—1936

Legislative Day.	Calendar Day.	Page
FIRST DAY—Tuesday, February 11th.....		3
SECOND DAY—Friday, February 14th.....		29
THIRD DAY—Tuesday, February 18th.....		44
FOURTH DAY—Friday, February 21st.....		52
FIFTH DAY—Wednesday, February 26th.....		78
SIXTH DAY—Friday, February 28th.....		88
SEVENTH DAY—Tuesday, March 3rd.....		109
EIGHTH DAY—Thursday, March 5th.....		143
NINTH DAY—Friday, March 6th.....		161
TENTH DAY—Tuesday, March 10th.....		194
ELEVENTH DAY—Wednesday, March 11th.....		226
TWELFTH DAY—Friday, March 13th.....		258
THIRTEENTH DAY—Tuesday, March 17th.....		305
FOURTEENTH DAY—Wednesday, March 18th.....		337
FIFTEENTH DAY—Friday, March 20th.....		361
SIXTEENTH DAY—Tuesday, March 24th.....		417
SEVENTEENTH DAY—Friday, March 27th.....		454
EIGHTEENTH DAY—Tuesday, March 31st.....		494
NINETEENTH DAY—Friday, April 3rd.....		525
TWENTIETH DAY—Tuesday, April 7th.....		556
TWENTY-FIRST DAY—Friday, April 10th.....		589
TWENTY-SECOND DAY—Tuesday, April 14th.....		644
TWENTY-THIRD DAY—Wednesday, April 15th.....		684
TWENTY-FOURTH DAY—Thursday, April 16th.....		748
TWENTY-FIFTH DAY—Friday, April 17th.....		796

INDEX

ABSENTEE VOTING—

Regulating—S. 94. p. 195-265-356.

ACTS AMENDED—

- To amend Revenue Act approved July 10, 1935. S. 1 p. 16, 37.
- To amend Article XIII Chapter I of Revenue Act, approved July 10, 1935. S. 2, pages 16, 37, 528, 534, 818.
- To amend Article XIII Chapter I of Revenue Act approved July 10, 1935. S. 3, pages 16, 37, 528, 534, 818.
- To amend an Act amending Section 1255 of 1923 Code appr. July 22, 1931. S. 4, pages 17, 37, 82, 104, 448, 462, 882.
- To amend Sections 8 and 11 of An Act approved Sept. 2, 1935 providing for Public Safety. S. 15, pages 21, 39.
- To amend Section 344 Sub-section (a) of Article 10 of Revenue Act approved July 10, 1935. S. 27, pages 45, 233, 507, 529, 643.
- To amend Section 5 of an Act approved Sept. 11, 1935 designating Labor Department for purposes of Wagner-Peyser Act. S. 28. page 45.
- To amend Section 142 of An Act providing for General Revenue, approved July 10, 1935. S. 32, page 49.
- To amend sub-division (d) of Section 10 of Revenue Act approved July 10, 1935. S. 33, page 49.
- To amend Section 143 of Revenue Act approved July 10, 1935, S. 34, page 49.
- To amend An Act protecting human beings from rabies approved Sept. 13, 1935, S. 44, pages 54, 164, 280, 304, 310.
- To amend Schedule 7 of Chapter I of Article XIII of Revenue Act, approved July 10, 1935, S. 47, pages 56, 91, 141.
- To amend Sec. 5 of An Act approved Sept. 11, 1935 designating Labor Department for purposes of Wagner-Peyser Act, S. 48, page 56.
- To amend Sections 11 and 15½ of An Act approved April 20, 1933, S. 50, pages 56, 86, 157, 701, 716, 888.
- To amend An Act in regard to National Housing Act approved Jan. 31, 1935 as amended by Act approved Aug. 15, 1935, S. 52, pages 57, 85, 106, 632, 656, 885.
- To amend Sec. 31 of Revenue Act approved July 10, 1935, S. 58, pages 89, 159, 254.
- To amend title and Sec. 11 of An Act approved Sept. 2, 1935, S. 60, page 89.
- To amend An Act amending Sec. 28 of An Act regarding pilotage, approved March 4, 1931, S. 81, pages 113, 152, 174, 329, 337, 879.
- To amend title and Sections 10, 16, 17 of An Act approved Sept. 14, 1935, S. 82, pages 113, 233, 324.
- To amend Schedule 84 of Sec. 348 of Article 13 Chapter 3 of Revenue Act approved July 10, 1935, S. 88, pages 146, 233, 300.
- To amend Sections 5 and 12 of An Act approved Sept. 14, 1935, S. 89, pages 161, 370, 451, 462, 809, 849, 889.
- To amend Sub-section D of Section 1 of An Act in relation to Education System, S. 90, pages 162, 233, 302, 666, 671, 886.
- To amend An Act by adding Section 4½ and amending Section 5 regarding public schools, approved Sept. 2, 1935, S. 91, pages 162, 234, 302, 666, 672, 887.
- To amend Section 11 of An Act approved Feb. 25, 1931 in relation to primary elections, S. 98, pages 199, 336, 376.

ACTS AMENDED—Continued

- To amend Section XIX of An Act making appropriations for certain departments of Government, approved Sept. 6, 1935, S. 109, page 228.
- To amend Schedule 93½ of Section 348 of Article 13, Chapter 3 of Revenue Act, approved July 10, 1935, S. 115, pages 252, 262, 335.
- To amend Sub-division (a) of Section 2 Revenue Act approved July 10, 1935, S. 116, page 253.
- To amend An Act in relation to business licenses, S. 118, pages 259, 569, 819.
- To amend Section 2 of An Act providing for Minimum Program Fund, S. 122, pages 261, 310, 358, 666, 672, 887.
- To amend Section 31 of An Act regarding waterworks systems approved March 29, 1933 as amended, S. 124, pages 306, 375, 490, 632, 656, 885.
- To amend An Act approved Sept. 14, 1935 Creating a system of unemployment compensation, S. 125, pages 307, 371, 487, 498, 803, 827, 852, 868, 873, 892.
- To amend Section 18 of An Act approved Sept. 14, 1935 creating an unemployment compensation fund, S. 126, pages 308, 370, 452, 805, 828, 854, 869, 873, 893.
- To amend An Act fixing the salary, etc., of Probate Judges in counties of 75,000 and less than 100,000 population, S. 130, pages 320, 340, 386.
- To amend Schedule 42 of Section 348 of Article 13 Chapter 3 of Revenue Act approved July 10, 1935, S. 137, pages 362, 458, 520.
- To amend Schedule 158.15 of Article 13 Chapter 6 of the Revenue Act, approved July 10, 1935, S. 139, pages 362, 458, 520, 829, 859, 891.
- To amend Sub-section 8 of Sub-division (b) of Section 51 of Article 2 of an Act pertaining to Highways, etc., approved Aug. 23, 1927, S. 144, pages 364, 531, 711, 718.
- To amend Schedule 158.12 of Section 348 of Sub-section (m) of Sec. 10 of Revenue Act approved July 10, 1935, S. 153, pages 418, 458, 519, 532.
- To amend An Act in relation to old-age pensions, S. 155, pages 419, 459, 625, 830, 859, 891.
- To amend Schedule 133 of Section 348 of Article 13, Chapter 3 of Revenue Act approved July 10, 1935, S. 156, pages 419, 458, 548.
- To amend Sec. 7 of An Act approved Sept. 2, 1935 regulating General Contracting S. 162, pages 454, 532, 720.
- To amend Section 3 of An Act approved March 10, 1933 providing for depositaries for the official funds of various offices, S. 164, pages 455, 559, 718.
- To amend Section 1 of An Act relative to boxing, etc., under the regulation of the Alabama Athletic Commission, approved July 1, 1927 and amend Section 3 of said Act, S. 172, pages 457, 559, 819.
- To amend Sub-section XVI of Section 1 of An Act to make appropriations for expense of certain branches of Government, approved Sept. 6, 1935, S. 195, pages 602, 651, 738.
- To amend An Act defining Motor Transportation, etc., approved June 19, 1931, S. 200, page 649.
- To amend Section 370-A of Revenue Act, approved July 10, 1935, H. 7, page 57.
- To amend Section 161-A of the Revenue Act approved July 10, 1935, H. 8, pages 287, 651, 743, 784, 809.
- To amend Article XIII Chapter 1, Section 348, Schedule 104 Revenue Act, approved July 10, 1935, H. 18, pages 131, 234, 304, 318, 344.
- To amend Schedule 158.1, Chapter 6, Article 13 of Revenue Act approved July 10, 1935, H. 19, pages 57, 91, 267, 338, 412, 446.

ACTS AMENDED—Continued

- To amend Section 31 of Revenue Act, approved July 10, 1935, H. 20, pages 58, 91, 142, 155.
- To amend An Act to amend Section 269 of Revenue Act approved July 10, 1935, H. 24, pages 96, 234, 322, 346, 378.
- To amend Section 291 of Revenue Act approved July 10, 1935, H. 25, pages 133, 234, 324, 377.
- To amend Section 12 of Revenue Act approved July 10, 1935, H. 26, page 134.
- To amend Section VIII of An Act to make appropriations for expenses of various Departments of State, interest on debt and schools, approved Sept. 6, 1935, H. 27, pages 347, 371, 453, 462.
- To amend Section 202 of Revenue Act approved July 10, 1935, H. 46, page 58.
- To amend Section 195 of Revenue Act approved July 10, 1935, H. 47, page 58.
- To amend Section 3 of Article 1 of Revenue Act approved July 10, 1935, H. 64, pages 97, 158, 223, 239, 380, 428.
- To amend Section 34 of Revenue Act, approved July 10, 1935, H. 65, page 184.
- To amend An Act amending Section 5742 of Code, approved July 23, 1931, H. 66, pages 97, 262, 334, 378.
- To amend Section 4 of An Act in relation to public schools in counties of 75,000 to 100,000 population, H. 93, pages 75, 84, 102, 115.
- To amend Schedule 158.5 of Chapter 6, Article 13 of Revenue Act, approved July 10, 1935, H. 99, pages 347, 528, 642, 658.
- To amend Section 2 of An Act in relation to Class D cities approved March 6, 1931, H. 117, pages 134, 235, 277, 312.
- To amend An Act approved March 15, 1933 amending Section 8605 of the Code, H. 121, page 347.
- To amend An Act to amend Section II, III, V, VI of An Act regulating barbers, approved Sept. 9, 1935, H. 123, pages 119, 496, 554, 562, 586, 608.
- To amend Section 51 of An Act approved Aug. 23, 1927 relating to Highways and Highway Commissioner, H. 125, pages 463, 715, 839, 875.
- To amend Section 103 of Article 4 of Revenue Act, approved July 10, 1935, H. 133, pages 348, 651, 738, 809.
- To amend An Act approved Aug. 4, 1931 in relation to Civil Service in certain cities, H. 135, pages 135, 654, 708, 781.
- To amend Section 5 of An Act approved Sept. 11, 1935 in relation to Wagner-Peyser Act, H. 136, pages 348, 651, 729, 780, 833, 860.
- To amend Section 360 of Revenue Act approved July 10, 1935, H. 137, pages 348, 459, 625, 658.
- To amend Schedule 135 of Article XIII Chapter 1 License Schedule of Revenue Act, approved July 10, 1935, H. 147, pages 586, 652, 842, 868, 874.
- To amend Section 178 of Article 6 of Revenue Act, approved July 10, 1935, H. 148, page 348.
- To amend Section 276 of Revenue Act, approved July 10, 1935, H. 158, pages 348, 528, 642, 659.
- To amend Section 8 of An Act in relation to Public Safety, approved Sept. 2, 1935, H. 170, pages 185, 531, 710, 782.
- To amend Sections 1 through 12 of An Act in relation to Cosmetology, H. 173, pages 283, 339, 393, 428.
- To amend Schedule 158 of Chapter 6, Article 13 of Revenue Act, approved July 10, 1935, H. 178, pages 348, 371, 516, 548, 560.

ACTS AMENDED—Continued

- To amend Section 2 of Article 2 of An Act approved Oct. 28, 1932, defining Contract and Common Carriers, H. 199, pages 348, 373, 491.
- To amend title and Sections 10, 16, 17 of An Act approved Sept. 14, 1935 creating a System of Unemployment Compensation, H. 204, pages 349, 652, 730, 784, 810.
- To amend Section 216 of Revenue Act, approved July 10, 1935, H. 229, page 322.
- To amend An Act authorizing cities to collect licenses on business done within police jurisdiction, approved Sept 6, 1927, H. 262, page 523.
- To amend An Act regulating financing public improvements, approved Sept. 2, 1935 making Act apply to cities of 24,000 and less than 100,000, H. 271, pages 633, 653, 709, 727, 782.
- To amend An Act fixing salaries of Probate Judges in Counties of 75,000 to 100,000, H. 302, pages 384, 421, 473, 500.
- To amend An Act providing for freeing highways and toll bridges, approved Sept. 7, 1935, H. 327, pages 660, 685, 717, 754, 814.
- To amend Sections 4, 8 and 11 of An Act creating a Commission to Construct Highway bridges, etc., H. 329, pages 660, 685, 717, 754, 814.
- To amend Section 1 of An Act declaring toll bridges public utilities, H. 330, pages 661, 685, 717, 755, 815.
- To amend Section 7 of an Act freeing toll bridges, H. 331, pages 661, 686, 717, 756, 815.
- To amend Sub-section XVI of Section 1, part 12 of Sub-section X, part 4 of Sub-division VIII of Section 1 of An Act making certain appropriations, approved Sept. 6, 1935, H. 373, pages 640, 651, 697, 728, 783.
- To amend Section 1 of An Act allowing boxing, etc., approved July 1, 1927, H. 377, page 691.

ACTS REPEALED—

- To repeal An Act approved Jan. 30, 1935, creating a State Tax Commission of three members, S. 9, pages 20, 38.
- To repeal An Act approved Jan. 24, 1935 creating a Highway Commission of three members, S. 10, pages 21, 39.
- To repeal An Act approved Jan. 26, 1935 defining members of State Board of Administration, S. 11, pages 21, 39.
- To repeal An Act approved July 10, 1935 providing pay to sheriffs for feeding prisoners, S. 12, pages 21, 39, 91, 192, 220.
- To repeal An Act approved June 12, 1935 providing payment of official expenses of Legislators, S. 13, pages 21, 39, 91, 140.
- To repeal Section 7562, S. 49, pages 56, 82, 104, 251, 266, 878.
- To repeal Section 11 of An Act approved Sept. 14, 1935, S. 82, pages 113, 233, 324.
- To repeal An Act to amend Section 334, Schedule 1, Sub-section 31 of Compiled Revenue Code and An Act approved July 22, 1927 providing for General Revenue as further amended by An Act approved July 30, 1931, etc., S. 176, pages 495, 650, 819.
- To repeal Section 11 of An Act approved Sept. 14, 1935 creating a system of unemployment compensation, H. 204, page 349, 652, 730, 784, 810.

ADMINISTRATORS, ETC.—

- Providing for annual, partial or final settlements by, S. 76, pages 111, 152, 177, 262, 332, 665, 671, 887.

ALABAMA POLYTECHNIC INSTITUTE—

Appointment of Judge F. W. Hare trustee.

ALCOHOLIC BEVERAGES—

Legalizing sale of—also creating office of Alcoholic Beverage Commissioner, S. 180, pages 527, 689, 753.

Providing tax from—to be used to increase payment of firemen and policemen, H. 358, page 637.

To legalize and regulate the sale of, H. 180, pages 431, 531, 585, 717, 756, 796, 870.

AUMSEMENTS—

Regulating operation of in counties of 110,000 and not more than 200,000,
• H. 246, page 664.

APPROPRIATION—

To Southern Industrial Institute S. 108, pages 228, 338, 450, 640, 656, 885.

To the State Department of Public Welfare, S. 194, pages 602, 651, 721.

For ordinary expenses of various departments of State and interest on Public Debt and Schools, S. 165, pages 455, 605, 819.

\$200,000 for expenses of Legislators, H. 111, pages 155, 234, 327, 379.

AUBURN—CITY OF—

Disposition of certain property, 197, pages 213, 238, 277, 313.

BAILIFFS, COURT—

Appointing, S. 64, pages 90, 459, 521, 798, 849, 889.

BOARD OF EDUCATION, COUNTY—

Establishing, in lieu of other boards, S. 79, pages 113, 321, 387.

BOARD OF HEALTH—

In Counties of 110,000 to 200,000 monthly report of deaths to be made by, H. 185, pages 187, 205, 273, 312.

BOARD OF REVENUE—

Authorizing, etc., to maintain automobile for Humane Officer in Counties of 75,000 and not more than 110,000, H. 183, pages 187, 205, 270, 312.

To fix expense account of, in Counties of 45,500 to 54,000, H. 145, page 535.

Providing in Counties of 100,000 to 300,000 the expenses of office of Tax Assessors, etc., to be paid by, etc.

BOARD OF REVIEW—

Creating, to assist in effecting economics also regulating salaries paid by State, S. 14, pages 21, 39.

BONDS—

Authorizing State Treasurer to pay, under certain conditions, H. 95, pages 97, 159, 224, 239, 353, 378.

Providing for exchange of, H. 360, pages 745, 749, 840, 876.

BULLOCH COUNTY—

Authorizing Court of County Commissioners to transfer certain monies, H. 105, pages 116, 149, 317, 345.

BUTLER, W. E.—

Relief of, S. 150, pages 369, 424, 478, 583, 884.

CALHOUN COUNTY—

Authorizing to pay for advertising local bills, S. 107, pages 227, 263, 314, 382, 427, 881.

CASTLEBERRY, CITY OF—

Prohibiting town council from granting franchise to any utility for furnishing electricity without majority of votes of people of, H. 342, pages 482, 497, 545, 561.

CEMENT PLANT—

Providing for construction, etc., of, S. 55, page 81.

CHEROKEE COUNTY—

Authorizing the governing body of, to appropriate 10% of gasoline tax into the General Fund, S. 45, pages 54, 83, 101, 184, 207, 343, 379, 415, 878, 879.

CHILTON COUNTY—

Authorizing governing body of, to appropriate a sum to County Health Department, S. 29, pages 45, 82, 100, 183, 207, 878.

Creating certain Agricultural Agencies and financing same in, S. 30, pages 46, 82, 101, 183, 207, 878.

Regulating the offices of County Board of Education of, S. 53, pages 78, 151, 173, 282, 311, 879.

Requiring, to set aside funds for share in paving Clanton-Selma Highway, S. 54, pages 80, 150, 172, 283, 311, 879.

Abolishing Court of County Commissioners of, S. 187, pages 590, 652, 705.

Creating the office of County Solicitor of, S. 188, pages 591, 652, 706.

Establishing a Board of Revenue for, S. 190, pages 593, 653, 707.

Abolishing office of Deputy Solicitor for, S. 189, pages 592, 653, 706.

Requiring Court of County Commissioners to purchase goods, wares, etc., for, H. 1, pages 61, 83, 103, 114.

Compensation of members of Court of County Commissioners of, H. 2, pages 70, 83, 103, 114.

To provide for the control, building, etc., of public roads and bridges of; to create office of road supervisor, H. 3, pages 66, 84, 103, 114.

CHOCTAW COUNTY—

To dispose of Fine and Forfeiture Fund and to legalize claims against such fund, S. 159, pages 419, 459, 508.

CITIES—

To authorize, of 2500 population, having no Board of Education to dispose of property formerly owned and used for Educational purposes, H. 40, pages 58, 84, 105, 115.

CITY MANAGERS—

Employment by municipalities of, S. 84, pages 145, 338, 450, 808, 849, 889.

CIVIL SERVICE SYSTEM—

Creating, in Counties of 200,000 or more, S. 123, pages 306, 340, 408.

Creating in cities of 100,000 or more, S. 140, pages 362, 423, 476.

CODE AMENDED—

Section 213, H. 355, pages 660, 685, 823, 857.

Sections 312 and 324, relating to county depositaries, S. 177, page 512.

CODE AMENDED—Continued

- Section 376, as amended by An Act to amend Section 375, etc., as amended by An Act to amend Section 376 as amended, etc., approved Aug. 20, 1927, H. 171, pages 535, 655, 731, 809.
- Section 793, S. 134, pages 362, 528, 628, 808, 849, 890.
- Section 794, S. 157, page 419.
- Section 798, S. 135, pages 362, 528, 629, 808, 849, 890.
- Section 1153, relating to Public Health, S. 158, pages 419, 461, 547, 829, 859, 891.
- Section 1507, S. 40, pages 53, 266, 356.
- Section 1508, S. 39, pages 53, 265, 356.
- Section 1744, S. 152, pages 418, 608, 819.
- Sections 2124 and 2125, S. 86, page 146.
- Sections 2891 and 2892 relative to optometry and Sections 2875 and 4387 as amended by Act of 1935, S. 160, pages 420, 458, 519.
- Section 3238, relating to appeals in habeas corpus cases, H. 103, pages 97, 261, 547, 560, 637, 658.
- Section 3759, relating to Solicitor's fees, H. 110, pages 155, 262, 335, 378.
- Section 4039, H. 155, page 463.
- Sub-section 46 of Section 4556, H. 60, pages 96, 261, 332, 378.
- Section 4589, relating to premiums on insurance, H. 70, pages 86, 321, 483, 540.
- Section 4621, relating to sale of liquor, etc., S. 201, page 650.
- Sections 6599 and 6600, S. 131, pages 320, 604, 819.
- Section 6667, H. 39, pages 86-261, 328, 346, 378.
- Section 6672, H. 77, pages 134, 261, 334.
- Sub-division 21 of Section 6755, S. 67, pages 91, 159, 180.
- Sub-division 21 of Section 6755, S. 68, page 91.
- Section 6771, as amended by Act, approved July 31, 1931, S. 22, pages 28, 41.
- Section 6771, as amended by Act, approved July 31, 1931, S. 173, page 495.
- Section 7020, S. 181, page 527.
- Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, 7596, S. 49, pages 56, 82, 104, 251, 266, 878.
- Sections 7547, 7551, 7552, 7554, 7556, 7557, 7558, 7560, 7563, 7567, 7596, H. 118, page 135.
- Section 7795, H. 256, pages 535, 604, 732, 810.
- Section 7918, H. 224, page 693.
- Section 8281, H. 336, pages 693, 748, 842, 860.
- Section 8282, H. 337, pages 693, 748, 841, 861.
- Section 8605, H. 104, pages 97, 261, 330, 346, 379.
- Section 8814, S. 46, pages 56, 559, 717.
- Section 8855, of Chapter 314, H. 97, page 155.
- Section 8966, S. 87, pages 146, 262, 694.
- Section 9001, relating to marriage license, S. 119, pages 259, 313, 547.
- Section 9017, H. 122, pages 514, 528, 628, 658.
- Section 9709, relating to Transportation Companies, H. 100, pages 347, 604, 838, 868, 875.
- Section 10342, S. 136, pages 362, 528, 629, 808, 850, 890.

CODE REPEALED—

- Section 7562, H. 118, page 135.
- Sections 8653 through 8658, H. 71, pages 76, 262, 335, 378.

CODE AMENDED, MUNICIPAL BOND—

- Section 52, S. 154, page 418.

CODE AMENDED, SCHOOL—

Sections 126 and 128, S. 61, pages 89, 147, 256.

CODIFICATION—

Providing for, of public statutes, H. 109, pages 98, 158, 278, 346, 855, 876.

COFFEE COUNTY—

Providing per diem compensation of members of Court of County Commissioners be paid out of gasoline excise tax funds of, H. 318, page 582.

COMMITTEES, STANDING—

Appointment of, page 31.

CONECUH COUNTY—

Abolishing Fine and Forfeiture Fund of, H. 143, pages 120, 149, 169, 209.

Relief of J. R. Kelley, H. 144, pages 122, 147, 166, 209.

Relief of J. R. Kelley, H. 146, pages 123, 147, 166, 209.

Providing for Board of Revenue Members to be paid out of Gasoline Excise Tax Fund, H. 270, pages 330, 375, 566.

CONSTITUTION—

Calling election regarding Education, S. 8, pages 20, 38.

Article XXIV, regulating drawing of warrants, etc., for payment of money by Comptroller, S. 21, pages 27, 40.

Section 197, of Article IX, S. 38, pages 52, 265, 355.

Section 198 of Article IX, S. 41, pages 53, 265, 356.

Regarding the jurisdiction of Courts in Counties of 50,000 or more, S. 42, pages 53, 82, 107, 137, 153.

Regarding Criminal Cases in certain courts, S. 74, pages 111, 146, 175, 789, 817, 889.

Regulating salaries, etc., to Sheriffs of Mobile County, S. 85, pages 145, 232, 300.

Relating to income tax and annulling Article XXII, S. 104, pages 204, 232, 467.

Amending Section 138 of Article 5, S. 133, page 352.

Authorizing Montgomery County to levy a Special County Tax for school purposes, S. 142, pages 363, 496, 542.

Salaries paid out of General Fund shall be subject to proration, S. 186, pages 589, 669, 820.

Providing for recall of Governor and providing his successor, S. 202, page 684.

Article XXIV, regulating drawing of warrants or other order for payment of money by Comptroller, H. 11, pages 722, 749, 752, 843, 865, 871.

To amend Section 59, Article 4 of Constitution of 1901, H. 32, pages 536, 669, 744.

Montevallo, City of, to collect tax on certain property, H. 294, pages 617, 669, 734, 791, 810.

Permitting certain School Districts to levy additional tax, H. 308, pages 612, 670, 739, 786, 835.

Fixing compensation of Probate Judge, Tax Collector and Assessor of Limestone County, H. 398, pages 615, 670, 732, 815.

CONVICTS—

Prohibiting expenditure of funds for maintaining Board to investigate records of, S. 171, pages 457, 605, 819.

CORDOVA, TOWN OF—

To authorize County Board of Education of Walker County to assume certain indebtedness, S. 83, pages 144, 205, 268.

COURT, CIRCUIT—

To authorize person accused of a non-capital felony to waive indictment in, S. 129, page 320.

Authorizing dismissals of appeals to, H. 68, pages 404, 653, 841, 860.

Jury duty in, in counties having population of 300,000 or more, H. 82, pages 134, 150, 171, 208.

Counties of 300,000 fixing rules for new trials in, H. 83, pages 119, 148, 168, 208.

COURT COSTS—

Regulating payment of, by State in certain cases, S. 163, page 455.

COURTS OF COUNTY COMMISSIONERS—

Validating allowances made members of, for performance of duties with respect to roads, bridges, etc., S. 174, page 495.

COURTS OF COUNTY COMMISSIONERS, ETC.—

Authorizing payment of per diem and mileage of in counties of 26,100 out of excise gas tax fund, S. 145, pages 364.

COVINGTON COUNTY—

Relieving persons from working on public highways, H. 130, pages 117, 149, 170, 209.

CRENSHAW COUNTY—

To fix open season for shooting doves in, S. 100, pages 200, 237, 273.

CULLMAN COUNTY—

Requiring Court of County Commissioners, etc., to pay for notices for Local Bills, H. 205, pages 211, 235, 276, 313.

Creating Board of Finance and Control of, H. 241, pages 240, 374, 468, 539, 629, 659.

DEAF AND BLIND SCHOOL—

Appointment of W. L. Dumas, trustee, page 667.

DeKALB COUNTY—

To allow Sheriff an additional deputy, H. 151, pages 184, 205, 270, 312.

To provide for payment of Clerk and Sheriff fees out of Fine and Forfeiture Fund instead of General Fund, H. 393, pages 574, 606, 679, 695.

DRAINAGE—

Regulating, and creating a Drainage Commission, S. 62, pages 89, 151, 173, 664, 671, 886.

EDUCATION—

Fixing age children may enter school, S. 59, pages 89, 147, 314.

To relieve the emergency of Public Schools by appropriating certain funds for, S. 106, pages 223, 458, 570.

To make annual appropriations in relation to educational systems, etc., S. 166, page 455.

To make appropriation to Public School System, S. 167, pages 456, 604, 819.

EDUCATION, BOARD OF—

Requiring, in counties of 75,000 or more than 100,000 to pension teachers, S. 143, pages 364, 423, 477, 631 656, 886.

EDUCATION, COUNTY BOARD OF—

To provide for payment of supplies out of educational fund by, S. 146, page 365.

EDUCATIONAL INSTITUTIONS—

Providing for exemption from taxation of property under certain conditions owned by, S. 175, page 495.

EDUCATIONAL TRUST FUND—

Requiring tax paid into, to be used for teacher's salaries, H. 312, page 781.

ELMORE COUNTY—

Enabling, to finance building projects in conjunction with State and National agencies, S. 6, pages 17, 38, 50, 72, 182, 206, 877.

Authorizing, to borrow money in anticipation of taxes, S. 7, pages 19, 38, 50, 73, 183, 206, 877.

Allowing sheriff of, an additional deputy, S. 92, pages 162, 206, 269, 382, 426, 880.

To approve payment of \$171.71 to Southern Bell Telephone & Telegraph Company, S. 148, pages 366, 424, 477, 583, 609, 884.

To amend Section 21 of An Act to better secure administration of the financial affairs of counties, S. 198, page 645.

Relieving, of conditions contained in Act to better secure administration of county affairs, S. 199, page 647.

EMPLOYMENT—

Dispensing with proof of agency or, in certain cases, S. 17, pages 27, 40.

Dispensing with proof of agency or, in certain cases, S. 23, pages 30, 85, 546.

ESCAMBIA COUNTY—

Requiring Court of County Commissioners to levy tax to be used for Public Health, H. 120, pages 118, 149, 169, 208.

ETOWAH COUNTY—

To establish Attalla-Gadsden Sanitary District in, H. 394, pages 575, 607, 681, 695.

EXECUTORS, ETC.—

Reducing bonds by Probate Judges of, H. 225, page 692.

FAYETTE COUNTY—

Providing for election of School Trustees of, H. 181, page 186.

FEDERAL FUNDS—

Approving use of, by institutions forbidding payment to employees of additional compensation from State appropriations, S. 183, page 557.

FINES AND FORFEITURES—

Regulating expenditure of, in counties of 68,000 to 150,000, H. 102, page 116.

FIREARMS—

Regulating, S. 63, pages 90, 152, 175, 483, 502, 882.

FISH—

Providing for taking of, in waters in counties of 15,000, H. 207, pages 287, 342, 515.

FRANKLIN COUNTY—

To fix the salary and prescribe the duties of the Solicitor of the Law and Equity Court of, S. 168, pages 456, 497, 544, 631, 657, 886.

Authorizing Court of County Revenue to expend certain gasoline taxes on Highways in, H. 152, pages 124, 148, 167, 209.

To amend An Act requiring 20% of gasoline taxes to be used to establish sinking fund for retirement of \$227,000 bonds of, H. 153, pages 126, 147, 167, 210.

Authorizing the payment of per diem of members of Court of County Revenue, H. 154, pages 129, 150, 170, 211.

GASOLINE TAX—

Regulating governing bodies disbursements of, S. 77, pages 112, 154.

To regulate the use of proceeds of, S. 169, pages 457, 528, 641.

Authorizing Governor to expend $\frac{1}{2}$ of cent per gallon on relief work in cooperation with Federal Government, S. 178, page 526.

Power of Board of Revenue to expend, H. 61, pages 96, 234, 324, 378.

GENEVA COUNTY—

To amend Section 2 of an Act providing for election of Superintendent of Education, H. 369, pages 505, 605, 677, 753, 815.

GILLIAM, F. H.—

Relief of, S. 57, pages 88, 158, 180, 523, 533, 883.

GOVERNING BODIES—

Authorizing, to fund or refund indebtedness of counties of less than 90,000 outstanding on Oct. 1, 1935, H. 314, pages 662, 685, 823, 857.

GOVERNOR—

Proclamation of, page 3.

GOVERNOR'S MESSAGE—

Joint Session to hear, page 9.

GREENE COUNTY—

Authorizing Commissioners Court to appropriate a certain sum for expense of reports of County Depository in, H. 343, pages 480, 497, 546, 561.

GUNTERSVILLE, CITY OF—

Permitting picture shows on Sunday in, H. 290, pages 393, 424, 475, 499.

To alter the corporate limits of, H. 291, pages 398, 422, 474, 499.

HENRY COUNTY—

Creating a Purchasing Agent for, S. 121, pages 259, 339, 389.

Authorizing Court of County Commissioners to expend certain taxes in payment of debts for Highway work, S. 179, pages 526, 605, 677, 808, 849, 890.

HIGHWAY COMMISSIONER—

Creating office of, S. 72, page 110.

HIGHWAYS—

To regulate erection of signs, advertising along or on, S. 5, pages 17, 37.

HOUSE OF REPRESENTATIVES—

Organization of, page 8.

HOUSTON COUNTY—

To authorize Board of Revenue to levy and collect a privilege tax on all persons, etc., selling, delivering, withdrawing from storage certain fuels, S. 103, pages 202, 237, 274, 551, 561, 620, 655, 850, 861, 872, 884, 892.

Authorizing the Board of Revenue to levy and collect a privilege tax on all persons, corporations, etc., S. 193, page 600.

INSURERS—

Regulating liability of fire and casualty, S. 37, page 52.

INTRASTATE TRANSPORTATION—

Regulating, S. 51, pages 57, 353, 450, 676, 688, 888.

JACKSON COUNTY—

To repeal An Act authorizing Board of Revenue, etc., to collect gasoline tax, approved Aug. 11, 1927, H. 210, pages 212, 235, 386.

JEFFCOAT, ELIZABETH ET AL.—

Relief of, S. 185, pages 567, 606, 680.

JONES, THOMAS W.—

Relief of, S. 149, pages 368, 424, 467.

Relief of, H. 301, pages 398, 423, 475, 500.

JUDGES, CIRCUIT—

Paying, \$25.00 in lieu of expenses in 21st Judicial Circuit, S. 16, pages 22, 40, 50, 73, 566, 569, 883.

JUDICIAL CIRCUITS—

Dividing State into, S. 56, pages 81, 261, 331.

JUDICIAL CIRCUIT, TWENTY-FIRST—

Authorizing governing bodies to pay \$25.00 to Circuit Judge in lieu of expenses, S. 16, pages 22, 40, 50, 73, 566, 569, 883.

LAND SECTIONS—

Providing additional method of describing, S. 69, page 109.

LAUNDERING, ETC.—

Providing lien on, S. 20, pages 27, 40, 82, 165

Providing lien on, H. 48, pages 96, 152, 165, 208.

LAUDERDALE COUNTY—

Relieving all persons from working on Public Roads, H. 399, pages 571, 605, 676, 696.

LAWRENCE COUNTY—

Increasing pay of certain officers in, H. 159, pages 130, 607, 703, 727, 782.

Relief of L. W. Gentry, H. 340, pages 480, 497, 545, 561.

LIMESTONE COUNTY—

To amend Section 3 of An Act providing for election of County Superintendent of Education, H. 175, pages 215, 238, 357, 376, 379.

To amend Section 1 of an Act authorizing Court of County Commissioners to levy tax on gasoline, etc., H. 176, pages 215, 375, 470, 538, 540.

LIQUORS—

To legalize sale of, S. 80, page 113.

LIQUORS (MALT)—

Regulating and creating Alabama Alcoholic Beverage Control Board for, S. 161, pages 444, 446, 530, 584, 689, 717, 820.

LIVESTOCK—

Regulating business of, H. 106, pages 347, 688, 822, 860.

LOANS—

Providing for interest rates, collection charges and attorney's fees on, S. 101, pages 201, 234, 325, 372, 489.

LOWNDES COUNTY—

Abolishing Fine and Forfeiture Fund of, H. 389, pages 549, 687, 821, 861.

MADISON COUNTY—

Requiring certain funds to be used for retirement of bonds and other purposes of, S. 112, pages 228, 263, 467.

To prohibit the furnishing by Board of County Commissioners of automobile, etc., for use of member of Board of, S. 113, pages 230, 263, 468.

To regulate the purchase of goods, etc., by the Board of County Commissioners of, S. 144, pages 231, 263, 468.

Regulating fees of witnesses in criminal cases in Circuit Court of, H. 182, page 400.

To regulate purchase of supplies for, H. 200, pages 250, 264, 315, 345.

Requiring $\frac{1}{3}$ of gasoline tax to be used for sinking fund for retiring \$100,000.00 bonds of, H. 201, pages 406, 421, 472, 498.

Prohibiting furnishing of cars to members of Board of County Commissioners of, H. 202, pages 405, 422, 473, 499.

Authorizing governing body of, to appropriate funds for Public Welfare Board, H. 203, pages 245, 265, 317, 345.

To amend An Act regulating purchase of supplies for, H. 415, pages 636, 671, 709, 783.

MARION COUNTY—

Authorizing per diem of members of Court of County Commissioners to be paid out of gasoline tax, H. 352, page 548.

To provide for election of members of Board of Education of, H. 257, pages 285, 339, 388, 430.

Relieving persons of road duty in, H. 258, pages 286, 338, 388, 430.

Appropriating \$2,100 for Health Department, H. 272, page 284.

Requiring Governing Body to pay for notices of Local Bills, H. 423, pages 663, 687, 822, 857.

MARRIAGE LICENSES—

To provide for registration with Bureau of Vital Statistics of Health Department and provide for license fees and certified copies, S. 36, pages 49, 92, 165.

MARSHALL COUNTY—

To require Commissioners Court to pay cost of Local Bills, H. 237, pages 246, 264, 315, 345.

To repeal An Act approved Sept. 13, 1935 establishing Board of Revenue of, H. 238, pages 247, 264, 479, 499.

Providing for the election of Superintendent of Education of, H. 239, pages 249, 264, 315, 345, 448, 463.

Requiring 25% of gasoline taxes to be used to establish a sinking fund for retirement of bonds of, H. 292, page 400.

MARSHALL COUNTY—Continued

To establish a Board of County Commissioners for, H. 296, pages 394, 422, 478, 500.

Providing for drawing of juries for Circuit Courts of, H. 379, pages 572, 605, 678, 695.

MILITARY LAWS—

To codify, H. 63, pages 514, 530, 697, 785.

MOBILE COUNTY—

Salary basis for Sheriffs of, S. 184, pages 557, 606, 679.

Providing additional clerical help in office of Register of Circuit Court, etc., in, S. 160, pages 131, 150, 171, 211.

Validating debt to Department of Public Welfare of, H. 186, pages 435, 497, 566, 608.

Authorizing governing body of, to provide for maintenance of Public Welfare Department, H. 187, pages 436, 560, 623, 657, 694.

To provide funds for Health Department, H. 221, pages 439, 461, 511, 540.

Validating a certain debt Headquarters Special Troops 31st Infantry Division, H. 222, pages 437, 497, 546, 560.

To repeal An Act requiring Board of School Commissioners to permit school teachers to be absent at certain times, H. 227, pages 440, 461, 510, 540.

To authorize, to issue bonds, H. 247, pages 431, 460, 510, 540.

Providing for additional clerks in office of County Officers of, H. 259, pages 438, 460, 509, 541.

Appropriating monies collected by Probate Judge for Assistant Tax Redemption Clerk, H. 260, pages 441, 460, 509, 541.

MORGAN COUNTY—

Transferring certain cases in Precinct Ten of, H. 303, pages 503, 607, 681, 694.

Relieving persons from road duty in, H. 304, pages 504, 606, 679, 694.

Repealing An Act regulating money brokers in, H. 404, page 581.

MOTOR VEHICLES—

To further regulate speed of, S. 24, pages 30, 266, 356.

Requiring persons, etc., to carry indemnity insurance on, S. 147, pages 365, 425, 517.

MUSEUMS, PUBLIC—

Establishing, in counties of 6,000 population, S. 66, pages 90, 163, 224, 785, 817, 888.

Authorizing cities, etc., of 90,000 to acquire sites for, H. 156, pages 512, 608, 824, 868, 875.

OFFICERS, PROBATION—

Declaring probation of convicts a county purpose in counties of 45,000 and creating, S. 43, pages 53, 84, 107, 139, 153, 827, 858, 890.

OFFICERS, PUBLIC—

Making it unlawful for, to hold office in State Institutions, S. 78, page 112.

Requiring, to file certain information with the Judge of Probate, S. 191, page 599.

OYSTERS—

To further conserve, etc., H. 370, pages 712, 750, 862.

PENSION ROLLS—

Placing certain Confederate widows on, S. 26, page 30.

PICKENS COUNTY—

Regulating Privilege taxes for, H. 50, pages 64, 204, 387, 427.

To repeal An Act regulating payment of privilege tax on gasoline, etc., H. 51, pages 63, 205, 269, 312.

For relief of James W. Carpenter, Reform, Alabama, H. 52, pages 65, 150, 171, 208.

Requiring Commissioners Courts to pay for advertising Local Bills, H. 231, pages 217, 238, 303, 313.

PICKENS COUNTY—

To relieve persons in any municipality to work on streets also abolishing Street Tax, H. 232, pages 216, 238, 303, 313.

Relieving all persons of road duty in, H. 233, pages 218, 239, 303, 313.

PIKE COUNTY—

Relief of Hattaway Lumber Company, H. 382, pages 635, 687, 821, 857.

POLES, UTILITY—

Providing for removal of, on public rights of ways unless utility desires to pay rent on, S. 31, page 49.

POLICEMEN PENSION FUND—

Creating in cities of 50,000 to 67,500, H. 353, pages 523, 529, 622, 657, 694.

POLITICAL CONVENTIONS—

To further regulate the election of delegates to, S. 18, pages 27, 40, 85, 106.

Regulating election of delegates to, S. 111, pages 228, 266, 358.

POLITICAL PARTIES—

Regulating candidates for Public office by, S. 19, pages 27, 40, 85, 105, 412.

Providing for selection of candidates for Public office by, S. 110, pages 228, 266, 359.

PROBATION DEPARTMENT, ETC.—

Creating adult, S. 75, pages 111, 372, 818.

REAL ESTATE—

Providing for a more economical system of assessing, etc., taxes on, in counties of 110,000 population, S. 117, pages 253, 258, 262, 359, 376, 690, 721, 830, 859, 891.

Authorizing cities, etc. to sell, which has been sold for taxes prior to Jan. 1, 1936, H. 376, page 692.

REDDOCH, I. R.—

Relief of, S. 99, pages 200, 237, 272, 382, 427, 881.

RESOLUTIONS—

Comptroller—

Requested to make audit of state funds from certain dates of funds received and disbursed, also payroll for month of January 1936 for use of Senate, S. R. 7, pages 33, 41.

Requesting to make audit of various Federal Funds received by State, S. R. 11, page 36.

Requesting to furnish certain information concerning Federal Funds for Schools, S. R. 38, page 465.

RESOLUTIONS—Continued

Cotton Loan—

Memorializing President to extend, S. R. 41, pages 59, 61.

Cottonseed, etc.—

Requesting certain discriminatory laws against be repealed by Congress, H. J. R. 90, pages 746, 809.

Education—

Requesting General Education Board to make survey on, S. J. R. 27, page 267.

Federal Relief Fund—

Requesting Governor to borrow money to match, S. J. R. 45, page 564.

Frazer, Senator T. Sidney—

Expressing sympathy on death of sister, S. R. 26, page 253.

Gasoline Tax—

That local and general acts effecting such fund be considered as of of general application, S. J. R. 37, page 464.

Memorializing Congress to abolish Federal, H. J. R. 16, pages 99, 156, 164.

Governor—

Requesting, to borrow money to match Federal Relief Fund, S. J. R. 45, page 564.

Committee appointed to wait upon, and inform him Legislature ready for business, H. J. R. 2, page 7.

Joint Session to hear message of, H. J. R. 4, page 8.

Requesting, to include certain measures in next call of Legislature, H. J. R. 73, page 825.

Highways—

Memorializing Congress to continue funds for, H. J. R. 20, page 132.

Hollingsworth, Julian W.—

Regretting death of, H. J. R. 15, page 98.

Interstate Cooperation—

Establishing Alabama Commission of, S. J. R. 16, pages 93, 156, 691, 831.

Legislature—

Adjournment, S. J. R. 4, page 28.

Requesting members of, to file certain information with Secretary of Senate and Clerk of House also same to be printed, S. J. R. 10, page 35.

Adjournment, S. J. R. 12, pages 37, 43.

Adjournment, S. J. R. 15, pages 60, 71, 77.

Adjournment, S. J. R. 17, pages 95, 100.

Adjournment, S. J. R. 19, page 115.

Adjournment, S. J. R. 21, pages 156, 159.

Adjourn for two weeks for committee to work on State Financial Report, S. J. R. 22, page 164.

Adjournment, S. J. R. 23, pages 165, 182.

Adjournment, S. J. R. 24, pages 219, 225.

Adjournment, S. J. R. 25, pages 252, 256.

Adjournment, S. J. R. 28, pages 268, 282.

Adjournment, S. J. R. 29, pages 314, 319.

Adjournment, S. J. R. 32, pages 386, 416.

Adjournment, S. J. R. 34, pages 445, 447.

Adjournment, Sine Die, S. J. R. 41, page 513.

Adjournment, S. J. R. 42, pages 513, 523.

Adjournment, Sine Die, S. J. R. 46, page 570.

RESOLUTIONS—Continued

- Adjournment, S. J. R. 47, pages 570, 585.
- Adjournment, S. J. R. 49, pages 611, 639.
- Adjournment, S. J. R. 51, pages 674, 676.
- Designating S. B. 51, S. J. R. 52, pages 589, 724.
- Adjournment, S. J. R. 54, page 717.
- Adjournment, S. J. R. 56, pages 717, 728.
- Requesting members of, to file certain information with Secretary of Senate and Clerk of House, H. J. R. 6, page 42.
- Adjournment, H. J. R. 14, page 87.
- Adjournment, H. J. R. 21, page 132.
- Adjournment, H. J. R. 28, page 353.
- Adjournment, H. J. R. 34, page 467.
- Adjournment, H. J. R. 45, page 551.
- Relieving Doorkeepers of, and Secretary of State from liability for Codes of 1923 and Acts of 1935 and 1936, H. J. R. 91, pages 806, 857.
- Designating S. B. 74, H. J. R. 92, page 807.
- Designating S. B. 155, H. J. R. 94, page 838.
- Lilienthal, David E.—
 - Extending invitation to address Joint Session, H. J. R. 41, page 563.
- Morgan, A. P.—
 - Requesting, to give certain data on school situation, S. R. 20, page 136.
- Park, Federal—
 - Establishing at Coosa, S. J. R. 31, pages 384, 447.
- Prohibition—
 - Requesting Governor to institute impeachment of Sheriffs who permitted violation of, S. R. 18, page 95.
 - Appointing committee to investigate sale of liquor, etc., H. J. R. 8, page 92.
- Railroads—
 - Opposing elimination of, S. J. R. 9, page 34.
- Recess Committee—
 - Creating, to serve without pay, S. J. R. 50, pages 672, 725.
- Rogers, B. A.—
 - Expressing regret and sympathy at death of, H. J. R. 22, page 156.
- Schools—
 - Appointing sub-committee to work with Standing Committee to study condition of, S. J. R. 13, page 58.
 - Requesting relief for, S. R. 33, page 444.
- Secretary of State—
 - Authorizing, to send copies of General and Local Laws to Library of Congress, H. J. R. 25, pages 268, 314.
- Senate—
 - Re-election of officers of, for Special Session same committees effective, dispensing with Reading Clerk, S. R. 1, page 5.
 - Adopting rules of Regular Session for rules of Special Session, S. R. 2, page 7.
 - Secretary directed to notify House of organization of, S. R. 3, page 7.
 - Rules amended, S. R. 5, page 32.
 - Secretary ordered to have printed audit made by Comptroller of January 1936 payroll for use of S. R. 7, pages 31, 41.
 - Requesting House to return S. 98 for further action by—S. R. 30, pages 350, 351.
 - Special Order, S. R. 35, page 445.

RESOLUTIONS—Continued

To remain in session long enough to complete calendar bills, S. R. 36, page 445.

Appointing Committee to study State finances, S. R. 39, page 466.

Requesting House to introduce a Revenue Bill, S. R. 48, page 610.

Special Order. S. R. 55, pages 717, 725.

Supreme Court—

Requesting opinion of—on certain Local Bills. S. R. 40, pages 466, 506.

Requesting opinion of—on H. 180. S. R. 43, pages 533, 583.

Requesting opinion of—on S. 27. S. R. 44, page 534.

Requesting opinion of—on H. 180 and S. 161. S. R. 53, page 689.

Vaults—

Providing for use of Secretary of Senate and Clerk of the House. S. J. R. 6, page 33.

Providing for use of Secretary of Senate. S. R. 8, pages 34, 51.

REVENUE, GENERAL—

Providing for. S. 105, page 204.

ROAD MATERIAL—

Requiring County Governing Bodies to advertise for bids for.

RUSSELL COUNTY—

Relief of S. A. Powell. H. 94, pages 75, 150, 223, 239.

SCHOOL BUSES—

Providing for operation of by Board of Education in counties of 300,000 or more. H. 273, page 284.

SHELBY COUNTY—

Authorizing Board of Revenue to use funds from Gasoline Tax for compensation of members of such Board. H. 293, pages 402, 422, 474, 500.

To relieve persons from Road duty. H. 411, pages 633, 654, 708, 783.

SHERIFFS—

Regarding feeding of prisoners by. S. 73, pages 110, 159, 181.

Requiring to file monthly statements in counties of 100,000 and not exceeding 250,000. S. 141, pages 363, 423, 476.

SHERIFFS, TAX COLLECTORS, ETC.—

Providing office hours for. S. 132, pages 352, 373, 682.

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT—

To accept provisions of. S. 102, pages 201, 253, 328, 443, 447, 882.

SOLICITORS, CIRCUIT—

Duty of in Counties of 300,000 in criminal cases in certain courts. H. 79, page 134.

SOLICITORS, DEPUTY CIRCUIT—

To create office of. S. 120, page 259.

Appointment of in counties of 300,000 or more. H. 177, pages 284, 342, 411, 429.

SOLICITORS, ETC.—

Prohibiting in counties of 300,000 or more, private practice by. T. 317, page 481.

SOUTHERN BELL TELEPHONE AND TELEGRAPH CO.—

Authorizing Elmore County to pay \$171.71 to. S. 148, pages 366, 424, 477, 583, 609, 884.

STATE BOARD OF ADMINISTRATION, DIRECTOR OF—

Creating. S. 70, page 109.

STATE BOARD OF AGRICULTURE—

Appointments to. Page 666.

STATE DOCKS COMMISSION—

Authorizing the State through—to operate, etc., at seaport a line of terminal railroads. H. 261, pages 442, 461, 507, 513.

STODDARD, W. H.—

Oath of office of. Page 4.

TAX ASSESSORS—

Relieving in counties of 18,000 or not more than 37,000 from duty of preparing book of assessments. S. 182, page 556.

Relieving in counties of 32,750 to 36,000 of preparing book of assessments. S. 192, page 600.

TAX ASSESSORS AND COLLECTORS—

Abolishing offices of and establishing joint office. S. 197, pages 604, 650, 819.

To prescribe fees and commissions to be allowed to for taxes levied for school purposes in counties of 80,000 and not more than 100,000. S. 25, pages 30, 50, 74, 183, 206, 877.

To fix compensation of in counties of 75,000 and not more than 100,000. H. 431, pages 663, 686, 820, 858.

TAX COLLECTOR—

Providing for service of notice by. S. 170, pages 457, 528, 641, 830, 859, 892.

TAX COMMISSIONER—

Creating office of. S. 71, page 110.

TAXPAYERS—

Relief of—also authorizing transfer of certain claims. S. 128, pages 320, 458, 514.

TAXES, THREE-MILL DISTRICT SCHOOL—

Determining expenditure of and curing variances. S. 151, pages 418, 560, 700, 808, 849, 890.

TURPENTINE—

To define products processed from. H. 58, pages 134, 425, 507, 538, 540.

TUSCALOOSA COUNTY—

To authorize municipal corporation to use for general purposes all or any part of funds derived from a privilege tax. S. 95, pages 195, 236, 270, 383, 426, 880.

Authorizing Board of Revenue of to use certain funds for retirement of bonds, etc. S. 96, pages 197, 236, 271, 382, 426, 881.

To provide fund for support of law library for Circuit Court. S. 97, pages 198, 237, 272, 383, 427, 881.

Regulating office of Sheriff of. S. 127, pages 308, 342, 411, 501, 521, 882.

TUSCALOOSA COUNTY—Continued

Fixing Compensation of Clerk of Circuit Court of. H. 190, pages 188, 341, 410, 429.

To amend Section 3 of An Act fixing compensation of Probate Judge, etc. of. H. 191, pages 190, 341, 409, 429.

Authorizing Board of Revenue to create a Contingent Fund. H. 192, pages 191, 341, 409, 430.

UTILITY RATES—

Fixing classification of to be charged by Public Utilities against school, churches, etc. S. 138, pages 362, 425, 564.

VITAL STATISTICS—

Fixing priority of claims of Local Registrars of. S. 35, pages 49, 92, 173, 786, 817, 888.

WALKER COUNTY—

To amend an Act to abolish the office of Deputy Solicitor and to create the office of County Solicitor. S. 196, pages 602, 653, 707.

WARRANT, SCHOOL—

Regulating. S. 65, pages 90, 164, 288, 522, 533, 883.

WASHINGTON COUNTY—

Prohibiting fishing on Sunday in. H. 235, page 218.

WILD HOGS—

To prohibit catching of—in counties of 25,000 and not more than 26,000 except in December. H. 242, pages 240, 264, 316, 321, 379.